



THE PEN REPORT

CREATIVITY AND
CONSTRAINT IN
TODAY'S CHINA

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The PEN Report: Creativity and Constraint in Today's China

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PEN International celebrates literature and promotes freedom of expression. Founded in 1921, our global community of writers now spans more than 100 countries.

Our campaigns, events, publications and programmes aim to connect writers and readers wherever they are in the world.

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Preface

John Ralston Saul

President PEN International

Frustration. Is that the right word to describe what so many people inside China and around the world feel about the continuing limitations on free expression in China? Of course there are stronger words. You have only to read the texts of the leading Chinese writers in this report. There you will feel the anger of those under attack; the intensity of voices that underscore the human cost of such limitations on free expression.

Think of the last three remarkable years. Two Nobel Prizes for Chinese writers – the Peace Prize to Liu Xiaobo in 2010 and the Literature Prize to Mo Yan in 2012. These prizes should, and could, have been cause for unbridled celebration in China and around the world. Instead, every day, in over 100 countries, our members are working to support a more open situation inside China and between China and the world. The creative force of literature, ideas and information simply cannot play its full role with such limitations in place.

PEN has been an integral part of cultural life in China for three-quarters of a century. We now have a number of Centres working in the region, including the Independent Chinese PEN Centre, the Uyghur PEN Centre, Tibetan Writers Abroad PEN Centre, Taipei Chinese PEN Centre, Hong Kong PEN and the Chinese PEN Centre. And so this report comes at the same time from within China and from China's friends everywhere.

A country gains nothing by imprisoning or limiting its writers. It is embarrassing to imprison people for words; to sweep up artists and hold them outside the law; to break the constitutional and international legal obligations of the state to protect free speech. There can be no honour in causing honest men and women to suffer, stripped of their rights for simply saying what they believe. There

This is an approach anchored both in the breadth of history and in today's realities, one that reflects PEN's founding and enduring principles

can be no pride in employing tens of thousands of Internet police to limit the communications of citizens, whatever the state system.

What is the definition of a patriot? Are not patriots those who care so much for their society that they must say what they believe to be true? Or write it?

China, with all of its rich cultures, has everything to gain and nothing to lose through free speech. These words which seem to cause such fear are the texture with which such civilizations are built and strengthened. Yes, freedom of expression enriches literature. But it also combats corruption and discourages irresponsible acts. It strengthens education, enriches research, and helps find solutions to problems of poverty, health care and well-being in general.

The report which follows measures the conditions for freedom of expression through literature, linguistic rights, Internet freedom and legal obligations. This is an approach anchored both in the breadth of history and in today's realities, one that reflects PEN's founding and enduring principles. The recommendations offered here are fair and realistic. We believe these changes can be made.

3 May 2013



FREE LIU XIAOBO

Executive Summary

This report arises out of five years of research and targeted advocacy on behalf of writers and journalists who have been censored or persecuted for their work in the People's Republic of China. It presents PEN International's findings, compiled by our international researchers and by our colleagues on the ground in China, on the ongoing threats to individual writers and journalists in the country and our assessment of the climate for freedom of expression in the world's most populous state. These findings and assessments are echoed and amplified throughout the report in ten essays contributed by leading writers from China.

As the Introduction of this report makes clear, PEN International's concern about the treatment of individual writers in China is connected in no small part to the experiences of PEN members in China, including poet and critic Liu Xiaobo, a founding member and past president of the Independent Chinese PEN Centre and the recipient of the 2010 Nobel Peace Prize. Liu Xiaobo is serving an 11-year prison sentence for seven phrases that allegedly amount to "incitement to subversion of state power." His freedom, and the freedom of his wife, Liu Xia, who has been held in extralegal, incommunicado house arrest in her apartment in Beijing since Liu's Nobel Prize selection was announced, remains one of PEN International's highest organisational priorities.

As Chapter One of this report, "Pressure From Above," makes clear, Liu Xiaobo's case is far from an anomaly. PEN International has been tracking the number of writers, journalists, and bloggers who are in custody in China for their work since 2008, the year that Beijing hosted the Summer Olympics. To secure those Games, Chinese leaders pledged to safeguard and expand essential rights

including freedom of expression. The report finds, however, that the number of writers in prison actually increased that year, and there have been three successive waves of crackdowns on dissident voices since then. There have also been targeted, protracted, and far more widespread crackdowns in Tibetan regions, the Xinjiang Uighur Autonomous Region, and the Inner Mongolian Autonomous Region, which have severely curtailed those peoples' right to express themselves freely.

But this practice of silencing key dissident voices in order to discourage more widespread dissent—"killing the chicken to scare the monkeys," according to a Chinese proverb—is less effective than ever. Chapter Two, "Pressure From Below," documents the most important phenomenon for freedom of expression in today's China, the increasingly assertive voices of Chinese citizens who are finding new ways and using new tools to share their experiences and opinions, including highly critical social and political views. Their creativity, in communications over digital media in particular, has been met with an expanding "stability maintenance" apparatus that includes both widespread censorship of the Internet and wholesale surveillance of its users. Despite proliferating controls, the Chinese people have clearly gained ground in their capacity and their sense of freedom to express critical thoughts and ideas, and appear determined to hold and expand this ground.

The same is true in the realm of literature, the subject of the third and final chapter of this report, "The Literary Community." As the career and work of 2012 Nobel Literature Laureate Mo Yan demonstrate, Chinese authors have expanded the boundaries of discourse as well—though many,

‘in literature as in traditional and new media, new energies toward creation exist side by side with, and are often threatened or obscured by, old habits of suppression’

like Mo Yan himself, walk a careful line to ensure they remain in official favour. Writers who do try to create and disseminate their work outside the party's patronage system can now turn to private sector publishers, and those writers and publishers are finding avid audiences of readers. But direct and indirect censorship of literature persists, and creative freedom remains circumscribed by old orthodoxies and new, powerful interests. Even some of China's most acclaimed writers have works that they have not been able to publish on the mainland.

In literature as in traditional and new media, new energies toward creation exist side by side with, and are often threatened or obscured by, old habits of suppression. That suppression violates fundamental human rights precepts including the right to freedom of expression as guaranteed under international law and China's own constitution. It comes at an enormous human cost for the individual writers, journalists, and bloggers whose rights are being abridged, and for the health and vitality of China's traditional and new media and for its literatures.

The PEN Report: Creativity and Constraint in Today's China concludes with a series of recommendations to the Chinese government to ensure that it restores and protects the rights of all writers, journalists, and bloggers to exercise their right to freedom of expression; respects the right of China's citizens to a free and independent press; guarantees the right of writers and publishers to publish without fear of government interference or reprisals; upholds the right of all citizens, including members of ethnic minorities living in so-called “sensitive regions” to exercise their right to freedom of expression; and participates more fully and openly in the

international exchange of literature and ideas. It includes additional recommendations to other governments to enlist their support in securing greater freedom of expression in China.

PEN offers these recommendations in line with the PEN International Charter, which embodies our commitment to freedom of expression and an open international exchange of literature and ideas; with PEN International's Girona Manifesto on Linguistic Rights, which lays out our commitment to preserving indigenous languages; and with PEN International's Declaration on Digital Freedom, which guides our organisational advocacy to protect and expand freedom of expression in the digital age. These documents are presented in an Appendix to this report. Also in the appendices are a summary of laws that are currently abridging or impeding freedom of expression in China, and additional information about cases summarized in this report.

For PEN International, an organisation dedicated to defending writers and protecting the right of all to freedom of expression, what is happening in China, with one-fifth of the world's population and now over half a billion Internet users, is of paramount interest and urgent concern—not least because four Independent Chinese PEN Centre members remain in prison and many more writers, journalists, and bloggers are facing constant harassment and surveillance. PEN offers this report in the interest of illuminating both the disturbing and persistent violations of the right to freedom of expression and the inspiring efforts by so many writers and citizens to reclaim and exercise this right. At its heart is a simple plea to the government of the People's Republic of China: respect and protect the right of our colleagues, and all China's citizens, to exercise this most fundamental right.

Introduction: Why is Liu Xiaobo Still in Prison?

On 25 December 2009, a Beijing court sentenced the writer and human rights activist Liu Xiaobo to 11 years in prison and an additional two years' deprivation of political rights for "inciting subversion of state power."

The alleged incitement, according to the verdict, consisted of seven phrases—a total of 224 Chinese characters—that he had published in various essays over the previous three years. In one, a piece about children abducted into forced labor in China's brick kilns, Liu wrote that China's communist leaders "cared most about their own power and least about human life." In another he decried the country's propagandistic patriotism, which "substitute[s] the party for the country" and "demand[s] that the people love the dictatorship, one-party rule, and the dictators." In a third, he talked simply of "changing the regime by changing society."

In writing these words, and tens of thousands of others like them in dozens of essays over the years, Liu Xiaobo was exercising his right under international covenants and China's own constitution to freedom of expression. In persevering and exercising this right despite two decades of harassment and persecution, he demonstrated a commitment to, and a faith in, the process of peaceful reform that would earn him the 2010 Nobel Peace Prize.

And yet to this day, few in China have ever read his words. His official indictment notes that between a few hundred and a few thousand readers accessed the allegedly offending sentences on the Internet—the only place Liu, as a perpetually banned and blacklisted writer, has been able to publish his work since the 1989 Tiananmen Square crackdown. If jailing him was supposed to send a

message about what can and cannot be said in China about its leaders, its political and economic systems, and its social and ethical mores, there is little doubt it has failed.

In the past year alone, China's citizens have shared millions of messages conveying the same frustrations and criticisms, the same observations and self-reflections, that permeate Liu's writings. Following the collision of two bullet trains on 23 July 2011 in Wenzhou, on China's eastern coast, in which forty people died and nearly 200 were injured, China's Twitter-like microblog services, or weibos, were alight with messages denouncing official corruption, exposing attempts to cover up incompetence and wrongdoing, and decrying official indifference to the plight of the victims. When a weibo user posted a video showing passersby failing to come to the aid of a small child who was critically wounded in a traffic accident, a wave of messages questioned the national character and suggested connections between a corrupt political order and a corroding moral order in China.

Of course Chinese authorities have not allowed such criticism to spread unchecked: many such posts are removed by filtering softwares and proliferating armies of Internet police, and over the past year, the government has sought to impose new regulations on both Internet service providers and individual users that strip anonymity and restrict access for users who repeatedly post critical messages. But their efforts are being met with a growing sense of defiance. As one user proclaimed after messages exposing the poor response to the train crash were removed, "Whatever you cut, we'll post again. I really don't understand what the government thinks it can hide."

A similar dynamic is evident in the realm of literature. State-owned publishing houses still censor works, and the government exerts considerable control over a thriving private-sector publishing industry as well through the allocation of International Standard Book Numbers (ISBNs), fostering a culture of self-censorship among publishers that ensures problematic words are suppressed and disfavored writers remain effectively banned. And yet a growing number of Chinese writers are navigating careers outside of the traditional party publishing establishment and publishing books that are both bold in their depictions of life in contemporary China and widely read. In doing so, they have been creating work that both reflects, and may also be helping to advance, the increasingly diverse and frank discourse online.

So why are Liu Xiaobo and at least 39 other Chinese writers, journalists, and bloggers still in prison?

Several of them, Liu included, strayed across what remains a red line in China, calling on their fellow citizens to join in pressing for an end to monolithic Communist Party rule. In their *Charter 08* manifesto, Liu and his colleagues offered a blueprint for a new constitutional order featuring co-equal, independent branches of government, checks and balances, and direct elections; for this he was imprisoned for 11 years, and all the other 302 original signers were subsequently detained, surveilled, or harassed by police. A little over a year later, when anonymous netizens put out a call for “Arab Spring” style peaceful public protests for political reform in China, the reaction was even more urgent and brutal: trials and long sentences were replaced by enforced disappearances of dissenters and, in several cases, torture.



Photo: Fong So

And yet, as the *New York Times* revealed in 2012, several of China’s “princelings”—the children of some of China’s most revered party officials—and other leading voices have been holding private dinners to discuss political reforms. As Michael Wines, a Beijing-based journalist for the *Times* reported in July 2012, “to advocates of political change, [the meetings] offer hope that influential party members support the idea that tomorrow’s China should give citizens more power to choose their leaders and seek redress for grievances.”¹

This, then, is the reality of China four years after Beijing hosted the 2008 Olympics—a reality that one of our colleagues described as “a place where, when you’re facing one side of the street, you’re sure certain things are going to happen in

'State-owned publishing houses still censor works, and the government exerts considerable control over a thriving private-sector publishing industry'

a certain way, but then when you turn around, what you see on the other side of the street can be a total contradiction to what you just saw." On one side of the street, Liu Xiaobo, a bookish reform advocate and now Nobel Peace Prize laureate, is in the fourth year of an 11-year prison term for urging the Chinese people to replace what he describes as an unaccountable and often callous government with more democratic rule. On the other side of the street, some of the most privileged members and beneficiaries of the current system meet to debate very similar ideas.

And in the middle of the street? Millions and millions of people who hold in their hands unprecedented means to share their experiences and inject their voices in ever-expanding, and ever more frank, conversations about their lives and their future.

It is not PEN International's concern what form of government a country adopts. But it is emphatically PEN's concern that whatever government a country has protects and respects its citizens' right to freedom of expression; that the citizens of that country can freely access and share the full range of information, ideas, and opinions; and that citizens who choose to criticize their government or advocate for peaceful political reforms can do so without fear of censorship or imprisonment. As this report makes clear, despite explicit pledges to the world to protect human rights including freedom of expression, the Chinese government has done little to expand or protect this right, and instead has responded to advances that have been driven by its people and aided by new communications tools by ramping up abuses.

PEN International has documented this disturbing trend in a series of reports and actions over the last four years.² Alarmed by the continuing and accelerating abuses, a PEN representative traveled to Hong Kong and Beijing in 2010 to meet with members of the Independent Chinese PEN Centre and colleagues, including Liu Xia, who was waiting to learn to which prison her husband Liu Xiaobo would be sent to serve the remainder of his 11-year prison term. The following year, in the summer of 2011, PEN sent a delegation with representatives from PEN American Center and PEN International to Beijing to meet with colleagues from the Independent Chinese PEN Centre and other writers, as well as with bookstore owners, journalists, and bloggers, to deliver a message of solidarity and support and to assess the situation for writers and free expression on the ground in China.

This report summarizes PEN International's findings and conclusions from the past five years, a period that has been characterized on the one hand by the Chinese authorities' increasingly blatant and heavy-handed abuses of the fundamental free expression rights of their citizens and on the other by increasingly bold, inventive, and determined efforts by Chinese citizens to circumvent official restrictions and exercise this most basic of rights. At PEN, we stand with all who practice and defend the right to peaceful freedom of expression. We stand with China's citizens who are making their voices heard, and with all those who are at risk or under threat in China for their writings. Above all, we stand with Liu Xiaobo, Liu Xia, and at least 39 more of our colleagues who remain in prison for their writings and commentary. We will not rest until they are released.

Chapter 1

The Pressure from Above

In 2001, as China was presenting its bid to host the 2008 Summer Olympics in Beijing, Yuan Weimin, China's Minister of Sport, assured the world that preparations for the games would "bring along advances in culture, health, education, sport, and not least of all, corresponding progress in human rights causes."³ When the International Olympic Committee voted on the bids on 13 July 2001, many on the committee accepted such predictions as an article of faith: giving China the Olympics would open up the country and bring its people greater freedoms.

As the Olympics approached, PEN American Center and PEN Canada partnered with the Independent Chinese PEN Centre to evaluate how China's pledges were being borne out in the crucial realm of freedom of expression. Our benchmarks were China's writers: as of 10 December 2007, PEN was following the cases of 40 writers and journalists imprisoned in China. Over the next eight months, as the 8 August 2008 opening ceremonies approached, several of those writers were released, but even more had been detained: by the close of the Games, at least 47 writers were behind bars in China for what they had written.⁴

The trend was alarming: if this was how the Chinese authorities were performing on their pledges in the full glare of the Olympic spotlight, what did this portend for the climate for press freedom and freedom of expression when the world's attention moved elsewhere after the Games? And indeed, over the next four years, PEN International saw a sharp rise in the arrests of writers and journalists, a strengthening of controls over information, an increase in Internet censorship and surveillance, and an expanding use of extrajudicial measures to silence critical voices. By 3 April 2011, at least 72 writers and journalists were in prison. That number has since declined, to at least 40 as of the publication of this report—a number that includes 10 of the original, pre-Olympic 40.

With a few exceptions, these detentions came under a series of targeted crackdowns against dissidents over the last several years, each wave seemingly more preemptive and vindictive than the last, all of them brazenly violative of the free expression rights enshrined in both international law and China's own constitution. At the same time, the Chinese government waged a series of crackdowns in China's ethnic minority regions including Tibet, Xinjiang, and Inner Mongolia, where cultural freedoms were already under threat.

The First Wave: Charter 08

The first crackdown came just four months after the Beijing Olympics.

During those four months, poet and critic Liu Xiaobo and his friend, constitutional scholar Zhang Zuhua, had decided to test the promises of greater freedom of expression, crafting a document modeled on the 1977 Czech *Charter 77* manifesto, which was initiated by leading dissidents, including playwright Vaclav Havel. Liu's and Zhang's *Charter 08* questioned the direction of the People's Republic and issued a call to expand human rights and democracy in the country. Under the watchful eye of the *guobao*, or state security police, Liu had gone door to door to the homes of fellow writers and intellectuals, gathering their signatures.

Liu and Zhang planned to launch *Charter 08* on Human Rights Day, 10 December 2008. Instead, at 9:00 p.m. on 8 December, police raided their homes, confiscating computers and other materials, and took both men into custody. *Charter 08* supporters released the document the next day, publishing it on the website of the Independent Chinese PEN Centre and www.2008xianzhang.info, a site specifically created for the document. At the time, it listed 303 signers, among them prominent intellectuals and writers, government officials, engineers, lawyers, teachers, activists, and others.⁵ Almost all of the original 303 signers and many of the others would eventually be detained or questioned in connection with the document.⁶ Only Liu Xiaobo was prosecuted.

Liu Xiaobo, a founding member of the Independent Chinese PEN Centre who had served as the Centre's president from 2004 to 2007, was held under "residential surveillance"⁷ at an undisclosed location on the outskirts of Beijing, with no access to lawyers for more than six months, as authorities interviewed and interrogated the signatories to the Charter. His wife, Liu Xia, was allowed to meet with him only twice during this period. During their second meeting, on 20 March 2009,

Liu told her that he was being held in solitary confinement in a small, windowless room at an unknown location in conditions that were worse than those in detention centres or prisons.

Finally, on 23 June 2009, two weeks after his "residential surveillance" should have expired, Liu was charged with "inciting subversion of state power." He was moved to Beijing Detention Centre No. 1, where he waited for another six months before he was formally charged.

Liu pleaded not guilty during a three-hour, closed trial before the Beijing First Intermediate People's Court on 23 December 2009, in which he was only permitted to speak for 15 minutes in his own defense. Liu Xia was prevented from attending, and only two members of his family, a brother and a brother-in-law, were allowed inside the courtroom. Foreign diplomats were also excluded from the courthouse despite applying for permits to attend. Almost all of the other 302 original signers of *Charter 08* were warned to stay away from the courthouse as well, though some supporters managed to get past guards posted outside their homes. Several were detained briefly during and after the trial.

Two days later, on 25 December 2009, Liu Xiaobo was convicted and sentenced to 11 years in prison, the longest prison term ever handed down for "inciting subversion of state power" since the law was enacted in 1997. The published verdict traced that incitement to six phrases or sentences from his essays and one from *Charter 08*—a total of 224 Chinese characters.

The verdict announced that an investigating officer had "found and downloaded" the offending passages from overseas web pages that, in a country of 1.33 billion people, had received—in the case of *Charter 08*—5,154 hits on the Independent Chinese PEN Centre and 2008xianzhang.info websites. These were proclaimed as "crimes of a major criminal," who "should be severely punished according to the law."

Liu Xiaobo appealed his sentence, but on 11 February 2010, his appeal was denied. Because he did not hold a Beijing residency permit, Liu was subsequently moved from Beijing Detention Centre No. 1 to Jinzhou Prison in Liaoning Province, 300 miles from his home in Beijing, to serve his sentence. Liu Xia was permitted to visit him once a month.

From Secret to Shameless: The Chinese Communist Party's Change in Tyranny Before and After the Olympics

By Yu Jie

Translated by Scott Savitt



The 2008 Beijing Olympics was a turning point for China's tyrannical dictators just as the 1936 Berlin Olympics was for Hitler's Germany.

Before and during the Olympics, I was closely monitored by the Chinese authorities. State security officers talked to me, telling me that I must not go to any Olympic competition venues and that I must get into their car if I decided to go out. On the other hand, they were quite flexible: I could have visitors, and I could move around freely within my residential area. Many Western journalists who came to visit me were not stopped or turned away. I was even interviewed by journalists from more than 20 media agencies at a small bookshop in my residential area. My home phone and Internet were also undisturbed. The state security officers who were monitoring me outside of the building where I lived with my family did not want to be seen by my neighbors. They hid behind thickets, appearing rather shy. From the bottom of their heart, they probably felt that what they were doing was not quite in keeping with the "harmonious" atmosphere of the Olympics.

But after Liu Xiaobo won the Nobel Peace Prize in 2010, Chinese Communist authorities didn't even try to save "face" any more. For more than two months, I was put under illegal house arrest, where I was not allowed to step outside my apartment, totally isolating me and my wife from the outside world. Our home phone, cell phones, and Internet were all cut off. Our guards, who took around-the-clock shifts, blocked our apartment door with a large table placed outside. By now, they were no longer afraid of my neighbors discovering their identity and what they were doing. Those monitors and cameras

outside my building became a special "scene" in my residential area. After this, in December, I was kidnapped with a black hood put over my head, tortured, and beaten until I lost consciousness.

The Jasmine strolling protests made China's spring feel even colder than the winter. In the spring of 2011, nearly 100 writers, lawyers, and human rights activists were "disappeared." Human rights conditions in China significantly deteriorated to a point worse than in the period after the crackdown on the student movement in Tiananmen Square on June 4, 1989. Since maintaining the one-party dictatorship has become the Party's "core interest" to protect, they, once again, do not hesitate to shoot and kill, just as they did during June 4th. To them, it doesn't make much difference whether they kill in Beijing or in Tibet and Xinjiang.

Article 83 of the Criminal Procedure Law, known as the Gestapo term, was passed with a high number of votes at the National People's Congress and Chinese People's Political Consultative Conference held in Beijing in 2012. From now on, secret police can arbitrarily arrest people who are suspected of "harming state security" and detain them at secret locations without notifying their family members. Even the Stasi of former East Germany never had this kind of lawless prerogative. My prediction of a few years ago has now materialized: the Chinese Communist Party is taking a big step forward into the Nazi era.

Yu Jie is an essayist and critic whose more than 30 books are banned in mainland China. He is a former vice president of the Independent Chinese PEN Centre and the winner of the 2012 Civil Courage Prize.

The Second Wave: The Nobel Prize

In an interview with *The Guardian* on 7 October 2010, Liu Xia said that her husband's conditions of confinement had improved since his transfer to Jinzhou prison.⁸ Liu Xiaobo now shared a cell with five other men, she reported, sleeping in bunk beds and sharing a separate eating space and bathroom in a 30-square metre cell. He was let out for an hour each day for exercise, and was permitted to read books published in the mainland. He was studying English from a dictionary.

The next day, in a small room thousands of miles away in Oslo, Norwegian Nobel Committee Chairman Thorbjørn Jagland announced that Liu Xiaobo was to receive the 2010 Nobel Peace Prize "for his long and nonviolent struggle for fundamental human rights in China." He became the first Chinese citizen living inside China to receive a Nobel Prize.

Though polls at the time showed that few Chinese citizens knew of Liu Xiaobo or his work, word of the award immediately began to seep through the wall of censorship that the government had constructed around Liu and his writings. Friends gathered at restaurants to celebrate. Supporters handed out leaflets bearing the news. Netizens shared the news on social networking sites and microblogs. Many users wanted to know who Liu Xiaobo was; others pointed to *Charter 08* in answer. Within hours of the announcement, terms like "Liu Xiaobo" and "Nobel Prize" were among the most searched by China's then over 420 million Internet users.

The reaction of the authorities was just as immediate. Though the Nobel committee is an independent body not linked to the Norwegian government, the Foreign Ministry summoned the Norwegian ambassador to present an official complaint, calling the award "obscene" and an "insult to China."⁹ Trading partners were warned that they would face consequences if they attended the award ceremony in Oslo on 10 December.

Inside China, foreign TV news stations including the BBC and CNN went black with any mention of Liu Xiaobo. Text messages containing his name were blocked over mobile networks. China's domestic press was ordered to ignore the news. The California-based *China Digital Times* reported that the Central Propaganda Bureau had issued a directive stating that "Websites are not to create news items or exclusive stories on the Nobel Prize. Exclusive stories that do exist must all be deleted."¹⁰

The official Chinese-language media maintained this silence until 10 October. Finally, with rumours of the award continuing to spread, news outlets began running a series of editorials calling Liu Xiaobo a criminal and criticizing the prize and the Norwegian government for interfering in China's internal affairs. This propaganda campaign was accompanied by a targeted crackdown on Liu Xiaobo's family and supporters.

In the hours following the award announcement, reporters had descended on the couple's apartment complex in Beijing, and Liu Xia announced she planned to give a press conference.¹¹ Police moved quickly to set up a roadblock at the entrance of the complex, but for several hours she was able to give short telephone interviews. In one, she told CNN, "I am totally shocked and feel so happy. It's an affirmation of what he has fought for."¹² She also warned that an official promise to take her to visit Liu Xiaobo in Jinzhou Prison to deliver news of the award had an ulterior purpose: "They want to distance me from the media," she told Reuters shortly before her phone went dead.¹³

Liu Xia returned after visiting Liu Xiaobo in prison on October 10, and turned to the microblogging platform Twitter, which she could access via Virtual Private Networks (VPNs), explaining that she had been put under house arrest on Friday evening, shortly after the award announcement, and that authorities had broken her phone. She said she did not know when she would see anyone, but asked everyone to "please help me push."

By then, more than 30 of Liu's colleagues had been detained, including 18 who had gathered at a celebration party at a Beijing restaurant on Friday evening that was broken up by police. Three of them were placed under eight days' administrative detention for "disturbing social order," while the others were put under house arrest or heightened surveillance.¹⁴ On 9 October, film scholar Cui Weiping, a friend of both Liu Xia and Liu Xiaobo, tried to organize another celebratory dinner at a Beijing

hotel. Security staff from the Beijing Film Academy, where Cui is a professor, arrived and escorted her back to the academy before the dinner ended.

The Independent Chinese PEN Centre's legal consultant, Teng Biao, told *The Guardian* that police had prevented him from meeting journalists and had warned him not to talk about the award or attend a celebration banquet. The Independent Chinese PEN Centre's deputy secretary general, Jiang Danwen, was among at least 10 members to have been "taken for tea"—a Chinese euphemism for being taken for questioning by police—and similarly warned. Two members were placed under house arrest and one, Zhao Changqing, was detained in that first weekend. Jiang Danwen said police had warned him not to comment on the prize and were constantly parked outside his Shanghai home.

Internet writer Guo Xianliang was arrested for "inciting subversion of state power" on 28 October for handing out leaflets about Liu's Nobel. Suspecting that the Independent Chinese PEN Centre's webmaster and Network Committee Coordinator Ye Du was behind it, the Guangzhou Public Security Bureau summoned him for questioning for "disturbing public order." Ye Du was questioned for four hours and his home was raided by police who confiscated two computers and information from PEN's annual international congress, which had taken place in Tokyo in September. A video clip of Liu Xia reading a letter from Liu Xiaobo and a video about the Independent Chinese PEN Centre that included clips of Liu Xiaobo speaking about freedom of expression in China in 2006 were among the material seized.

The Independent Chinese PEN Centre's website, hosted on a server based in the United States, went offline on November 4, and is believed to have been the target of a cyber-attack.

That same day, exiled poet Bei Ling, a co-founder of the Independent Chinese PEN Centre who had written about Liu Xiaobo in a *Wall Street Journal* editorial¹⁵, arrived at Beijing International Airport on a flight from Frankfurt for a brief stopover on his way to Taipei, where he was invited to participate in a discussion at Dongwu University and stay as a writer in residence. Upon his arrival he was met by 20 police officers as soon as he disembarked and was taken to an empty room at the airport, where he says he was questioned for two hours and told that a high-level government official had ordered that he not be permitted to travel to Taiwan. He was instead roughly handled and put on

a plane back to Frankfurt. His baggage, which included two manuscripts about underground and exile literature, was confiscated and not returned.

Many other Independent Chinese PEN Centre members inside China were harassed and put under house arrest in the month following the Nobel announcement, including Board Member Jiang Qisheng and former Vice President Yu Jie, whose telephones were cut off for at least two weeks.

Throughout this month, Liu Xia only managed to communicate from her increasingly restrictive house arrest once. With her telephone and Internet lines cut, she posted this message to her Twitter account via a second mobile phone on 16 October:

One of the policemen watching me said that it was his wife's birthday and that he wanted to go shopping for her. But his orders were that he had to stay with me, so would I like to accompany him to the shopping mall? Sure, I thought, and went. When we got to the mall, I noticed all kinds of strange people photographing me from various angles. I realized it had all been a trick. The authorities wanted photographs to prove that Liu Xia is free and happily shopping at malls.¹⁶

This would be the last the world would hear directly from Liu Xia for more than two years. This second mobile phone, too, was then cut off, according to those who later tried to reach her. When pressed, the Chinese government has continued to deny that Liu Xia is living under any form of confinement or house arrest, and suggested that those who wanted to talk to her could do so. But reporters and diplomats who have attempted to visit her are stopped at the gates of her apartment complex and denied access, and she remains completely incommunicado.¹⁷

As the 10 December 2010 Nobel Peace Prize ceremony approached, the authorities moved aggressively to censor international coverage of the event in China. China-based correspondents for the BBC, CNN, and the Norwegian broadcaster NRK all reported that their websites were being blocked, and CNN and BBC television broadcasts routinely went black during news items about the Nobel, only to reappear when these segments were over.¹⁸ Pressed about the censorship during a news conference, Foreign Ministry spokeswoman Jiang Yu denied knowledge of the blocks on the websites, insisting that "the Internet is open in China, and is regulated in accordance with law."

In an attempt to prevent colleagues and supporters from trying to travel to Oslo for the awards ceremony or from discussing the award with the international press, Chinese authorities ramped up the pressure on activists yet again. Human Rights Watch reported that at least 300 were detained, put under surveillance, or told to temporarily leave Beijing. Liu Xiaobo's friend and colleague Zhang Zuhua was reportedly shoved into a minibus and abducted in broad daylight in Beijing on December 9. Ye Du was again "taken for tea."¹⁹

As the pressure intensified, the harassment took an ominous turn. The day before the award ceremony, Independent Chinese PEN Centre member Yu Jie, author of the banned book *China's Best Actor: Wen Jiabao*, and a close friend of Liu Xiaobo, was picked up by plainclothes police, hooded, and taken to an undisclosed location, where, he says, he was stripped, beaten for hours, and taunted that his naked photos would be posted online.²⁰ He later reported that an officer told him that "If the order comes from above, we can dig a pit to bury you alive in half an hour, and no one on earth would know."

Yu Jie was released on 13 December, but faced increased restrictions for months.²¹

Meanwhile, Liu Xia remained incommunicado, unable even to send a note to the Nobel

ceremony in Oslo. The 2010 Nobel Peace Prize ceremony became the first in history in which neither the recipient nor a spouse or personal representative was present to accept the honor, a commemorative empty chair for the recipient solemnly testifying to the chronic abuses Liu Xiaobo has long enumerated in his writings.

The Third Wave: the "Jasmine" Crackdown

Chinese authorities had answered perceived threats over the previous two years by ratcheting up the pressure on a community of dissidents that has long endured free expression restrictions in China. But just over a week after the Nobel ceremony, a series of events began to unfold in North Africa and the Middle East that challenged the notion that social movements depended on leaders who "incited" their fellow citizens to action. First in Tunisia, then in Egypt, spontaneous mass protests, sometimes organized and almost always broadcast via social media and fueled by a common call for political

Essay: Teng Biao

Human Rights in Post-Olympic China

By Teng Biao



It shouldn't surprise anyone that the Chinese government broke its promise to the international community after it was chosen to host the Olympics. The Beijing Olympics should be considered as an event only, not a milestone. Its effect on China's politics and social transformation must not be overestimated. Some scholars believe that "Beijing embraces classical fascism." I don't share this belief. In my opinion, it doesn't have this ability. Judging from some incidents, we can really see signs of political fascism, such as collusion between officials and organized crime, collusion between officials and bandits, growth of the secret police, law enforcement turning into organized crime gangs, widespread torture, shooting civilian protestors, and nationalism incited by the official media. However, it is unlikely that China as a whole will move toward fascism.

reform and human rights, toppled entrenched regimes in a matter of weeks.

On 15 February 2011, anonymous calls began circulating on Chinese social networks for a Chinese “jasmine revolution,” referring to the name given by some of those involved in the Tunisian democracy movement. Citizens were encouraged to gather in 13 of China’s major cities at 2:00 p.m. on Sunday, 20 February, with additional details published on 19 February on the U.S.-based Chinese language website Boxun.com. In Beijing, protesters were to converge outside the McDonald’s on Wangfujing Street, Beijing’s most famous and busy shopping street.

The reaction was immediate and sweeping. On 19 February lawyer Teng Biao was detained after a raid on his home in Beijing. Police searched his home for more than two hours and confiscated two computers, a fax machine, printer, documents, books, and a CD containing documentaries and photos. No official notice of detention was delivered to his family. Teng Biao was taken to an unknown location and he was classified by human rights organisations as “disappeared.” He would not be seen again for 70 days.

That same day, Independent Chinese PEN Centre member and writer Ran Yunfei was detained in Chengdu, Sichuan Province, on suspicion of

“inciting subversion of state power.” Several others were also detained in the days leading up to the planned rally, including lawyers Tang Jitian and Jiang Tianyong, who were both taken by Beijing police on February 16 and 19, respectively, and held incommunicado at undisclosed locations.

The same day, writer and human rights defender Chen Wei was detained in Suining City, Sichuan Province, after his home was raided. He was formally arrested the next day for “inciting subversion of state power”—a rarity in the Chinese justice system, which often sees individuals detained for months before a formal arrest is made.

In Guangzhou, human rights lawyer Liu Shihui was hooded and beaten by what he believes were members of the *guobao* as he was leaving his home to attend a protest in the People’s Park. His leg was fractured during the five-minute beating and he was later dropped off in a remote town, where he spent the night on the side of a road.²²

The net stretched wider. Liang Haiyi was detained in Harbin, Heilongjiang Province, northeastern China, and formally arrested for “inciting subversion” for publishing “sensitive information” on the Internet—reportedly a reposting of someone else’s writings.²³ Two days later, on 22 February, Internet activists renewed their appeals for public rallies, calling for demonstrations in 23 cities across the country

A human rights movement based on grassroots activism for the masses’ personal interests is in full swing in China. Though the government has never relaxed its suppression, the game pattern between the state and the public is turning in the direction of benefiting the legal system. Hardliners and reactionaries inside the government have lost power to strangle the multi-faceted human rights movement in society as a whole. The rapid development of the Internet has made it more technologically difficult to control information. The opening up of information and the convenience of communication have in turn further woken up the awareness of democratic rights and promoted the mobilization of a human rights movement. Moving toward a true republic is a mighty trend of the world and times. I don’t see any force that is strong enough to enable post-Olympics China to go upstream and return to classic totalitarianism.

Still, hosting one Olympics cannot change the judicial system, the news system, or nature of the regime. China’s democratic progress needs the continued growth of civil rights awareness, continued spreading of the idea of freedom, and continued growth of social movements. During this process, the weak, the demonstrators, and the pioneers will be subjected to suffering and must pay a price.

Teng Biao, a human rights lawyer, is a lecturer at the law school of China University of Political Science and Law. He is the legal consultant for the Independent Chinese PEN Centre’s Writers in Prison Committee.

every Sunday at 2:00 p.m., beginning on 27 February. Authorities reacted quickly, ratcheting up their hunt for dissidents. That same day, authorities in Guangzhou, Guangdong Province, again detained Ye Du and held him several blocks from his home, calling it a “vacation,” a euphemism for extrajudicial detention. A week later, on 1 March, police again raided his home, confiscating computers, books, and videos, and presented his wife, Wan Haitao, with an official notice stating that Ye Du was being accused of “inciting subversion” and placing him under “residential surveillance.” He was taken to an unknown location in Panyu, where he was subject to abuse and harsh interrogation for 86 days.

On 27 February, the day of the second planned protest, police were again deployed, this time confronting international journalists with a show of force. Bloomberg TV journalist Stephen Engle was punched and kicked in the face. Police confiscated his video camera and detained him in a nearby shop. He was later hospitalised. A journalist from Taiwan sustained a shoulder injury when he and a female colleague were thrown into a van and detained for nearly five hours.²⁴

The BBC’s veteran Beijing-based journalist Damian Grammaticas was also injured. As he later reported, “They tried to pick me up and throw me bodily into the van. I found myself lying on the floor as they repeatedly slammed the door on my leg which was still part of the way out of the truck, one, two, three times, maybe more. A few shoppers looked on in confusion.”²⁵

More than a dozen other journalists were manhandled, detained, or harassed as they were covering the event.²⁶

These incidents were perhaps the starkest evidence yet that China’s Olympic pledges had been abandoned. Prior to the Games, the government declared that foreign journalists would be allowed to report without prior authorization on Chinese “politics, economy, society and culture.”²⁷ Now, the Foreign Correspondents Club of China reported that international journalists had received telephone calls instructing them to seek special permission from the Wangfujing district officer to report from the planned protest site—and those who came to cover the police reaction were harassed or attacked.

In Shanghai, police used force against would-be protesters, clearing several hundred people from

People’s Square with a water truck typically used to clean the streets. Whistles and loudspeakers were used to keep the crowd moving.

By the end of March 2011, at least 11 writers were among the over 100 people who had been detained or disappeared, and many others had been placed under house arrest or harassed. Wang Lihong, a Beijing-based activist and writer, was detained on 21 March and charged with “creating a disturbance” for her participation in a peaceful protest nearly a year earlier, in April 2010, in support of three Internet activists from Fujian Province who were charged with defamation for posting questions about an alleged police cover-up over the death of a young woman. Wang Lihong is well-known among colleagues for her support of fellow activists under surveillance and the families of those in detention.²⁸

On 3 April 2011, internationally acclaimed artist and frequent blogger Ai Weiwei was detained at Beijing International Airport while preparing to board a flight to Hong Kong, where he had been due to participate in artistic exchange activities. Later that day, police raided his home and studio in Beijing, questioned his wife and eight assistants, and confiscated several computers. His associate, Wen Tao, was also taken into custody. No information was released about Ai Weiwei’s whereabouts or the reason for his arrest until 8 April, when it was reported by the official Chinese News Agency Xinhua that he was under investigation for suspected involvement in “economic crimes.”

Not long after Ai Weiwei disappeared into government custody, others who had been detained in the “Jasmine” crackdown began to reappear, though many refused to talk to the press or discuss their ordeals, even with colleagues in the human rights community. Teng Biao was released on 29 April, and has yet to disclose details of his treatment in detention. Ye Du was released from residential surveillance on 26 May; his first public account of his detention appears on page xx of this report.

On 22 June Ai Weiwei was also released after reportedly signing a confession on tax evasion charges. He emerged from his 81 days of detention thinner and quieter. He told a *New York Times* reporter “I’m home, I’m fine. In legal terms, I’m—how do you say—on bail. So I cannot give any interviews. But I’m fine.” The bail restrictions were lifted a year later but Ai Weiwei is still barred from travel, and a number of other accusations have been levied against him, ranging from pornography to money laundering.

Tibet: After the Beijing Olympics

By Tsering Woeser

Translated by High Peaks Pure Earth



How can one express Tibet's calamity and suffering in only a few words? Over the past several years, so many outstanding Tibetan people have suddenly and cruelly been taken away by the country's machinery. A vast number of Tibetans have disappeared without a word.

How many? The Yushu Earthquake of 2009 officially left 2,698 victims, though in reality the number was over 10,000. If official figures are scaled down to such a degree for natural disasters, it is easy to imagine what is being done with figures of victims of political calamities. Against this backdrop, in the flames interweaving desperation and hope, one Tibetan after the other has self-immolated. Between February 2009, when the self-immolations started in Ngaba Prefecture, Amdo, and December 9, 2012, more than 100 Tibetans have self-immolated to protest the Chinese government and awaken their compatriots. In 2012 alone, there were 85 self-immolations.

Is it that Tibetans are irrational, that they have been manipulated, that they disrespect life and that they regard self-immolations as a means to increase their bargaining power? No, it is the autocrats, lacking any human traits, who have ignited the bodies of Buddhist monks and ordinary people.

The words spoken by the deceased before they self-immolated, the suicide notes or recorded testaments that some left behind, are the most precious pieces of evidence, clearly explaining why these people decided to bathe their bodies in flames:

The farmer who self-immolated in front of the township government, December 1, 2011: "How can we trust a government that does not allow us to believe in our religion?" "When I think of the suffering the entire Tibetan region and our

Karma Monastery has gone through this year, I cannot wait and keep on living." Signed, "A person maintaining dignity."

In a remote county town-seat, Lama Sobha recorded his last words on January 8, 2012: "Just like Buddha who bravely sacrificed his body to feed the hungry tigress, all other Tibetan heroes who sacrificed their lives are like me, for the truth and freedom we choose our honor over our lives."

The final words of two young people who self-immolated in Barma Township on April 19, 2012: "The pain of not enjoying any basic human rights is far greater than the pain of self-immolation." Their voices had no trace of fear.

There is a Tibetan metaphor: "the bone of heart" (སྙིང་རྩ་སྤྲུལ་པ།).

For today's Tibetans, though the mores of the time are changing, though the authorities' power is ever more devastating and dignity is met with contempt, "the bone of heart" can never be broken. The 100 self-immolators and many more Tibetans fighting for freedom are "the bone of heart."

Beijing, December 9, 2012

Tsering Woeser is a Tibetan writer, blogger, and poet based in Beijing who documents the experiences of the Tibetan people in Mandarin Chinese. She lives under constant surveillance and is often under house arrest.

The Garbage Dump and Organized Crime

by Liao Yiwu

Translated by Scott Savitt



When the Beijing Olympics opened in 2008, I never imagined I would be forced to flee my country.

At the time, the Communist Party was slaughtering people in Tibet. Then came the Sichuan Earthquake; nearly 200,000 lives were lost in the dust. I was renovating a house in the suburbs of Chengdu that I'd just bought with the royalties from the English version of *The Corpse Walker*. As the earth shook, cracks opened in the ceiling.

As both a victim of the earthquake and a chronicler of our times, I rushed to the epicentre to interview the survivors, people with no homes to return to, people who everywhere were cursing this "Olympics on a pile of corpses."

Then they arrested my friend Liu Xiaobo, an initiator of Charter 08, and on Christmas Eve the following year, sentenced him to 11 years in prison—an extreme punishment that ensured his accomplishments would become known far and wide. Liu dedicated the award to the departed souls of the June 4, 1989 Tiananmen Massacre; he has always said that behind his back and under his feet lay the countless living and dead.

I was in Germany when it was announced that Liu Xiaobo would receive the Nobel Peace Prize. I'd fought 15 times for my right to travel abroad, and I had finally landed in the free world. But I passed up an invitation to attend the Nobel ceremony in Norway, heading home instead, because I'm accustomed, in a way, to being unfree: I'm a sewer rat, scurrying around under the surveillance of the police, in the world's biggest garbage dump. It's where I find the most amazing stories.

But I overestimated my adaptability and the dangers of my deep attachment to my homeland. I ended up falling into their trap.

After the Beijing Olympics, spurred by the global recession, westerners rushed to do business in China, where markets and labor are cheap. People

from countries that prohibit or frown on shady or polluting businesses came to China instead. And as they did, the wolf-tail of the dictatorship rose. Last year, its hidden mafia began to operate in the open. Our leaders no longer bother with legal niceties: Kidnapping, assault, disappearances, frame-ups are now part of the daily lives of dissident intellectuals. As democratic protests swept across the Arab world and posts started appearing on the Internet calling for similar street protests in China, soldiers changed into civilian clothes and patrolled the streets with guns, seizing anyone they thought suspicious. Police rounded up human rights lawyers, writers, and artists. The democracy activist Liu Xianbin, who had served nine years in prison for helping to form the China Democratic Party, was given a new sentence of 10 years. The artist Ai Weiwei was disappeared.

As an old-fashioned writer, I seldom surf the Web, and the Arab Spring passed me by. But staying on the sidelines did not spare me. When public security officers learned that two of my books were going to be published in Germany, Taiwan, and the United States, they began phoning and visiting me, and in March, my police handlers stationed themselves outside my apartment to monitor my daily activities. "Publishing in the West is a violation of Chinese law," they told me. "Your prison memoir tarnishes the reputation of China's prison system and *God Is Red* distorts the party's policy on religion and promotes underground churches." If I refused to cancel my contract with Western publishers, they said, I'd face legal consequences.

Then I received an invitation from Salman Rushdie asking me to attend the PEN World Voices Festival in New York. I immediately contacted the local authorities to apply for permission to travel outside China and booked my plane ticket. But the day before my scheduled departure, a police officer called me to "have tea," informing me that my request had been denied. If I insisted on going to the airport, the officer told me, they would make me disappear, just like Ai Weiwei.

Regional Focus: Crackdowns in Tibet, Xinjiang, and Inner Mongolia

I was shaken. In the end I decided to leave my loved ones and worldly possessions, took a wild chance, and fled China.

I kept my plan to myself. I didn't follow my usual routine of asking my police handlers for permission. Instead, I packed some clothes, my Chinese flute, a Tibetan singing bowl and two of my prized books, "The Records of the Grand Historian" and the "I Ching." Then I left home while the police were not watching, and traveled to Yunnan. I switched off my cellphone after making brief contacts with my friends in the West, who had collaborated on the plan. Several days later, I reached a small border town, where I could see Vietnam across a fast-flowing river. At 10 a.m. on July 2, I walked 100 yards to the border post, fully prepared for the worst, but a miracle occurred. The officer checked my papers, stared at me momentarily and then stamped my passport. Without stopping, I traveled to Hanoi and boarded a flight to Poland and then to Germany. Thanks to God and the spirits of the multitudes who have died wrongful deaths, I succeeded.

Now, as I sit at my peaceful writing desk in Germany, the criminal gangs in my homeland are fighting ever more fiercely. Wang Lijun was on the run and Bo Xilai was chasing him. But in the end, they were both seized, by bigger and more ruthless gang leaders.

Meanwhile, this year's National People's Congress unanimously approved the most draconian law in its history for dealing with "terrorists"—including "cultural terrorists" like me. Now the gangster's police can detain anyone and "according to law" detain him for six months without even notifying his family.

Liao Yiwu is a writer who lived under surveillance and constant threat after being imprisoned after the Tiananmen Square crackdown. A member of the Independent Chinese PEN Centre, Liao chronicles the lives of ordinary, underrepresented Chinese citizens.

While mainland Chinese writers, lawyers, and intellectuals have contended with successive waves of repression since the 2008 Beijing Olympics, those who are living and working in the western provinces of Tibet and Xinjiang and in Inner Mongolia, already outside the scope of China's Olympic-year pledges, have struggled against even greater censorship and restrictions.

Tibet

The site of a major uprising and harsh government crackdown in March 2008, the Tibet Autonomous Region (TAR) never felt the reach of relaxed press restrictions before and during the Beijing Olympics. During that crackdown, Chinese authorities cut off or interrupted telephone and Internet services in Lhasa and elsewhere in Tibet, significantly hindering the flow of eyewitness reports and other information as violence spread and the number of deaths rose. Since then, foreign journalists have only been allowed into Tibetan areas on government-orchestrated visits, always chaperoned and closely monitored by Chinese officials. Those who have attempted on their own to enter the Tibet Autonomous Region and neighboring Tibetan areas in Sichuan, Qinghai, Yunnan, and Gansu Provinces were briefly detained or turned away.

Nonetheless, reports periodically emerge of continuing unrest in the region, many centred on questions of linguistic rights and the transition to Mandarin instruction in Tibetan schools in more urban areas. Tibetan children are permitted only three years of primary education in Tibetan, after which all subjects, except Tibetan language, are instructed in Mandarin. Tibetan students must pass an examination in Mandarin to proceed to middle school. The result of this has been two-fold: the drop-out rate has increased because children cannot pass the test, and literacy in the Tibetan tongue has decreased for both those who cannot

proceed in their schooling and those who can and must now only learn in Mandarin.

On 15 October 2010, more than 300 teachers and students in Qinghai Province, outside the TAR but with a large Tibetan population, signed a letter to the authorities supporting bilingual education but calling for Tibetan to remain the primary language of instruction in most subjects. Students and teachers began protesting in Tibetan areas, and by the end of the month, 400 Tibetan university students studying at the Tibetan Studies Department of Minzu University staged a protest on campus in Beijing.²⁹

The protests were renewed in March 2012, when 700 students from the Rebkong County Middle School of Nationalities in Qinghai Province returned from a holiday break to find their textbooks for the new term written in Chinese.³⁰

Teachers have lost their jobs as a result of the protests, and several students have been detained by authorities. In November 2012, for example, students from Chabcha in Qinghai Province demonstrated in front of government offices, calling for Tibetan language rights after a pamphlet, which in part encouraged educational instruction in Mandarin, was distributed in the area. Eight students were sentenced to five-year prison terms in December 2012 for their role in the protests.

The enforcement of a dominant language in a manner that undermines the languages of those with smaller population, such as that imposed in the TAR, is a direct attack on freedom of expression.³¹

The policy restricting cultural expression extends to all areas of Tibetans' lives. Text messages, Internet access, and cell phone service remain blocked in some areas, and are heavily monitored throughout the region. Tibetans are often harassed and detained for accessing pirated foreign radio and television broadcasts or listening to or downloading Tibetan songs and ringtones, which are banned.

Despite such restrictions, writers are increasingly taking to the Internet to exercise their right to freedom of expression—though doing so has become more risky since the Olympics. On 11 September 2008, Rangjung, a writer, singer, and television presenter who has published two books on Tibetan history and culture, was the first to be taken into custody after the Games for comments he made on his blog. He wasn't released until October 2009.

'Foreign journalists have only been allowed into Tibetan areas on government orchestrated visits, always chaperoned and closely monitored by Chinese officials'

Many others followed suit. Kunchok Tsephel, founder and editor of the Tibetan language website Chomei (Butter Lamp), which promoted Tibetan culture and literature, paid one of the greatest penalties for his writing. Kunchok Tsephel was arrested by Chinese security officials at his home in the town of Nyul-ra, Gansu Province, on 26 February 2009. As in many such cases, Chinese authorities released little information about his whereabouts, well-being, and the legal proceedings he was facing. On 12 November 2009, before a closed hearing, Kunchok Tsephel was sentenced to 15 years in prison for "disclosing state secrets."

2010 was a particularly dangerous year for writers in Tibet. Fifteen were detained in that year alone. Among the 14 still detained, only six are known to have been tried and sentenced, including Bhudha, Dhonkho, and Kelsang Jinpa, poets and writers for the Tibetan-language journal *Shar Dugri* (*Eastern Snow Mountain*), which is the first magazine known in China to have published a collection of essays on the 2008 crackdown in Tibetan. The magazine was banned almost as soon as it was released, but not before copies had circulated widely throughout the region. The three were arrested at the end of June and beginning of July 2010, and were sentenced on 30 December 2010—Bhudha and Dhonkho to four years in prison, and Kelsang Jinpa to three.

The crackdown on intellectuals and writers has continued, with another 65 arrested in 2011.³² Among them was Pema Rinchen, a writer from Drango County, Kardze Tibetan Autonomous Prefecture, Sichuan Province, who self-published a book entitled *Look*, a critique of the Chinese government's responses to the 2008 protests and the devastating 2010 Yushu earthquake. Pema Rinchen was detained and severely beaten by police on 5 July 2011. He was taken for emergency treatment the next day.

A further five writers were arrested in 2012. Among them was Gangkye Drubpa Kyab, who was

detained on 15 February 2012, after 20 officers took him from his home in Seda county, Sichuan Province, without a warrant. The school teacher and writer of such popular compositions as “Call of Fate,” “Pain of This Era,” and “Today’s Tear of Pain” remains incommunicado at an undisclosed location.

PEN is currently tracking the cases of at least 13 Tibetan writers currently detained or in prison.

As writers, intellectuals, and advocates faced increasingly severe restrictions, Tibetan monks, nuns, and laypeople have turned to a tragic form of protest. On 27 February 2009, a monk named Tapey died from self-immolation in Ngaba County Town. Two years later, on 16 March 2011, a fellow monk from Kirti Monastery named Phuntsog self-immolated outside the monastery in Ngaba, in Sichuan Province, on the anniversary of the 2008 Tibet crackdown. His act set off a wave of self-immolations that continue today, and, according to commentators, are intended to highlight the severe lack of freedoms in the region, including freedom of religion and freedom of expression. As of the date of this publication, 112 Tibetan men and women have self-immolated in Tibet since 2009—84 in 2012 alone. Ninety-two have died as a result.³³ Among them was 43-year-old writer Gudrub, who died after self-immolating on 4 October 2012 in Dzato County, Qinghai Province. Many of those who survived have been detained.³⁴

International journalists attempting to report on these protests are barred from the region. Journalist Tom Lasseret of the U.S.-based McClatchy Newspapers was detained and questioned for two hours before being told to return to Beijing in November 2011. In February 2012, he tried again. Both Lasseret and Jonathan Watts, of the UK-based *The Guardian*, separately and clandestinely entered Ngaba (Chinese: Aba), where many of the self-immolations have occurred, to report on conditions on the eve of the Tibetan New Year. Both were forced to hide on the floors of the vehicles carrying them in order to pass through the many checkpoints, which began hundreds of miles away outside the city of Chengdu. Security lined the streets with semi-automatic weapons, spiked batons, and fire extinguishers.³⁵

Lasseret reported that the security was “so dense that it was impossible to speak with clergy or, indeed anyone in Aba because of the risk of bringing danger to those interviewed.”³⁶ Both reported that the Internet had been shut off and mobile phone signals were blocked.

Another crew from CNN had been detained and thrown out of the region at the end of January 2012. Tibetan language print and copy shops were also shuttered, and Tibetan language blogs and websites were shut down. The state news—the only media that can be legally accessed in Tibet—barely reported on the self-immolations or other unrest in the region, and when it did, it referred to the protesters as “terrorists” and blamed foreign forces for instigating the incidents.

In 2012, Chen Quanguo, Communist Party Secretary of the TAR, told members of the media to ensure that any messages from the Dalai Lama or “Dalai clique,” referring to his supporters, are kept out of Tibet and that the people only hear the message of the government.³⁷

Xinjiang

Similar conditions have prevailed in the Xinjiang Uighur Autonomous Region (XUAR) since July 2009, when protests rocked the regional capital of Urumqi. As in Tibet the year before, Internet and mobile phone services were shut down during the unrest and foreign journalists were barred from the area.

Uighur writers who commented on the situation in blogs, before they were blocked, or in the international media faced detention or arrest. Beijing-based intellectual Ilham Tohti, a member of Uighur PEN and a professor of economics who is known for his critical views of Chinese government policy and the provincial leadership in XUAR, was arrested on 7 July 2009, on suspicion of supporting “separatism,” and held for over a month before his release on 22 August. He later revealed that authorities called it a “vacation,” and interrogated him for long periods, warning him to stop publicly criticizing the government’s policies and practices in Xinjiang.³⁸ In February 2013, Tohti was prevented from leaving China to take up a teaching position at Indiana University in the United States, and was put under 24-hour surveillance at his home in Beijing.³⁹

In October 2009 Uighur journalist Gheyret Niyaz, who worked on Ilham Tohti’s website Uighur Online, was arrested and accused of “endangering national security” for his reporting on the protests in July 2009. On 23 July 2010, Niyaz was convicted and sentenced to 15 years in prison. The prosecution reportedly presented as evidence his essays highlighting mounting ethnic tension in the region prior to the riots, as well

as interviews he gave to Hong Kong media after the violence.

The Internet was completely shut down in the region for 10 months beginning in July 2009. Service was restored to most areas in May 2010, though many popular Uighur websites remain blocked and content is severely censored.⁴⁰

As in Tibet, the central government has made it a policy to deter use of the Uighur language. In 2002, XUAR Party Secretary Wang Lequan declared that the Uighur language was “out of step with the 21st century.”⁴¹ Like in Tibet, the government began shifting all classes into Mandarin, replacing Uighur teachers without Mandarin language skills with Han Chinese. The goal, according to a 10-year plan launched by the Party in January 2011, is to “[build] a new model of socialist ethnic relations” and “[promote] cohesion and centripetal force toward the Chinese nation.”⁴²

In October 2010, a number of Uighur students and teachers in Beijing stood in solidarity with Tibetans campaigning for linguistic rights, noting that the use of Mandarin in Uighur schools has had a detrimental effect on the entire education system in Xinjiang. Teachers without the required language skills have been fired from their positions, and a number who petitioned the government to protest the new plan have been detained for short periods.⁴³

Inner Mongolia

Meanwhile, the Inner Mongolia Autonomous Region, which has seen comparatively less upheaval than its western, minority neighbours in recent years, has still not been spared assimilation and restrictive laws targeting Mongols’ traditional ways of life. Mongolian language and culture have been diluted by the same policies affecting Tibet and Xinjiang, and ethnic Mongolians now make up less than 20 percent of the population.

Traditionally a herding community, in May 2011 Mongols stepped up protests against mining projects that are destroying the grasslands, essential to the herders’ way of life. After a Mongol herder named Mergen was killed in a clash with mining company truck drivers, activists and students took to the streets of Hohhot, Inner Mongolia’s provincial capital, and other cities.

Within days, Chinese authorities began a crackdown, arresting dozens of individuals and imposing

censorship on information. Internet bulletin boards and chat rooms were shut down for “maintenance,” and several social networking sites and microblogs were either blocked or censored. Search engines scrubbed any reports about the protests.

Protests were renewed the following spring, in April 2012, after a state-owned forestry company appropriated farmland but left it in neglect. Dozens were arrested.

Writers who have spoken out have not been spared from persecution in Inner Mongolia. On 10 December 2010, writer, activist, and bookstore owner Hada was due to be released upon completion of a 15-year sentence for “inciting separatism.” He had been convicted for his work as founder and publisher of the underground journal *The Voice of Southern Mongolia* and for his leading role in the Southern Mongolian Democracy Alliance, an organization that peacefully promotes human rights and Mongolian culture. Instead, just days before his scheduled release, his wife, Xinna, who co-owns the bookstore with Hada, and their son, Uiles, were arrested. Hada was not released. Instead, he was whisked away to an unknown location, later revealed to be the JinYE Ecological Park in Hohhot, where, as of March 2013, he was still reportedly being held.

Uiles was released on bail in September 2011. Xinna was sentenced in April 2012 to a three-year suspended sentence for “engaging in illegal business” and released to serve her sentence under house arrest, alongside her son Uiles, at their home in Hohhot. Their plight reflects that of Liu Xia, Liu Xiaobo’s wife, but Xinna is able to communicate with the outside world.

Xinna is permitted to visit Hada once a month. She reports that he is in extremely poor health and in a fragile mental state after more than 17 years in detention. She has been told that doctors advise that he be transferred to a psychiatric facility, but authorities have allegedly ignored this advice.

Huuchinhuu Govrund, a writer and activist who had campaigned for Hada’s release, has disappeared. On 11 November 2010, she was placed under house arrest and her phone and Internet were cut. A month later, she was transferred to hospital for treatment for an unknown but serious health condition. Despite being under police guard, she disappeared from her hospital room on 27 January 2011. Two years later, her whereabouts remain unknown.

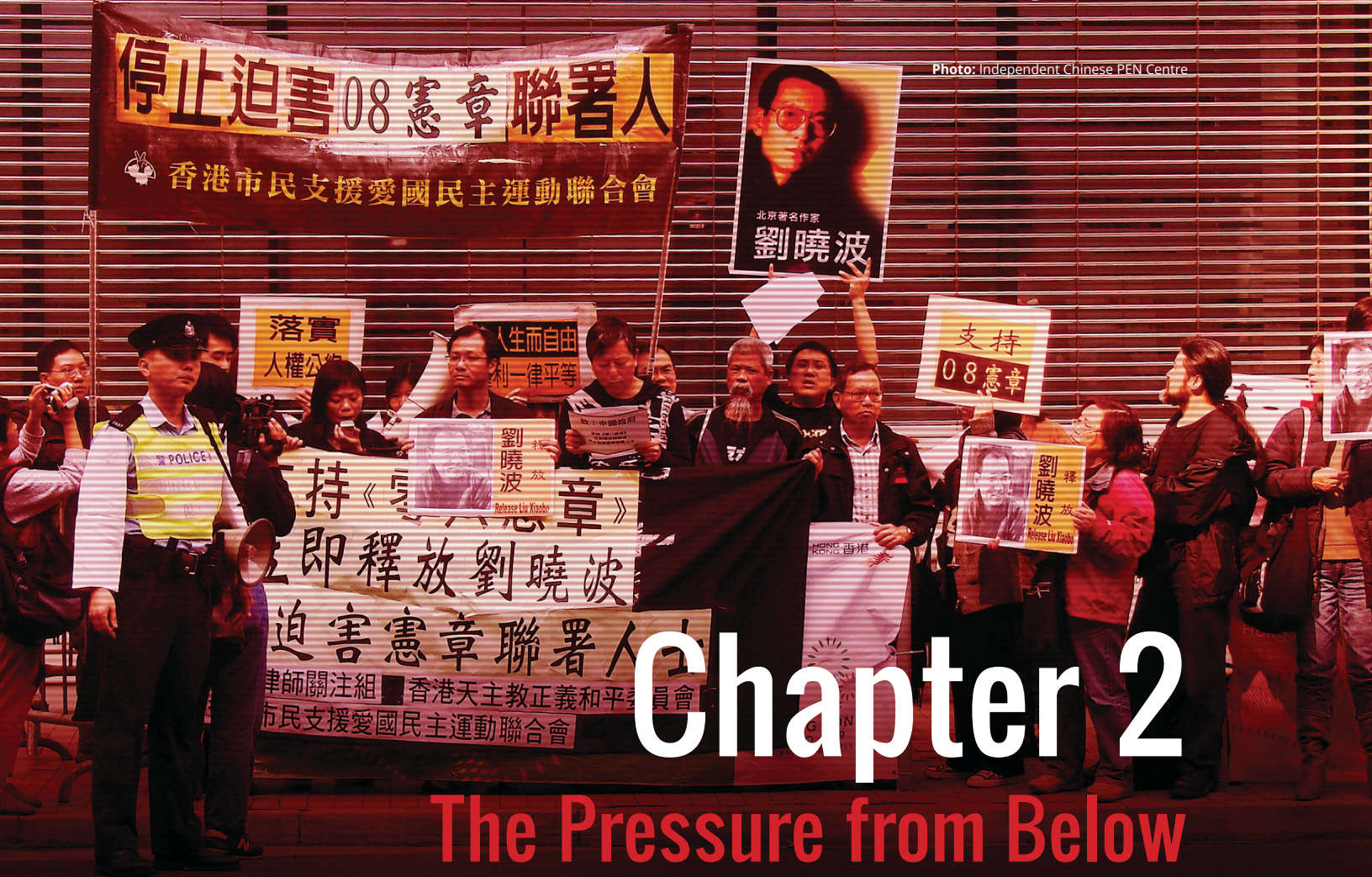


Photo: Independent Chinese PEN Centre

Chapter 2

The Pressure from Below

On 4 August 2011, the day after Ai Weiwei disappeared into police custody, the phrase "Love the future" spread through posts on China's microblog site Sina Weibo. Some of the posts were inspirational:

To love the future is to love yourself. Fill the microblogs with love. Fill the motherland with love. Donate your love to the future of the motherland.

Another:

Have you loved your future today?

Others were more pointed and bitter:

We love the future, but the future disappeared, the future is in prison, the future is gone.... The most frightening fact of this country is not that the government machinery is doing whatever it wants, but the common man who is telling you: this country is like this, you cannot change it, you just need to get used to it. These people could be your classmates, your friends, your family, and your lover. As long as they aren't victims, they can tolerate anybody else's tragedy.

The phrase "love the future," in Chinese, looks and sounds like Ai Weiwei's name, which by then was being hunted down and then deleted as soon as it appeared on the Internet and social networking sites by China's army of human and automatic censors. To make sure their coded message was clear, many posted photographs of the artist. Others went as far as organizing a social network "event" they called "looking for a fat guy called Ai":

Sometimes life throws mysterious and unexpected things our way. For example, you wouldn't expect someone suddenly just to disappear. Would you just relax and go with the flow, or would you go looking for him?

As they rallied to Ai Weiwei's defense on microblogs, these netizens were practicing a form of dissent Ai himself had helped pioneer. For Ai, the Internet and blogosphere were not only spaces to post images and writings he had created that otherwise would not see the light of day in China; they were zones where citizens could collectively create artistic expression and organize advocacy campaigns.⁴⁴

In a prescient essay composed in 2006, Liu Xiaobo wrote that, in order to keep up with web users, “[The government] tries this, tries that, fidgeting and twitching through a range of ludicrous policy contortions in its attempts to stay on top of things.”⁴⁵

In 2008, China pledged that the international media visiting Beijing for the Olympics would experience no Internet censorship. But foreign reporters working at official Olympic press venues in Beijing soon discovered that the websites of Amnesty International, the BBC, Radio Free Asia, and other leading international media and human rights organisations were blocked. The International Olympic Committee (IOC), responding to the international uproar against the censorship, said it would investigate. An IOC spokesman later stated that “some IOC officials negotiated with the Chinese that some sensitive sites would be blocked on the basis they were not considered Games-related.” While the censorship of the Amnesty International site was lifted soon after, more than 50 other “sensitive” websites, including those related to Tibet, Falun Gong, and others critical of the Chinese government, many of which had been blocked long before the Games, remained blocked throughout the Olympics.

That is only a fraction of the sites that are inaccessible to Chinese citizens living behind the “Great Firewall,” the ever-proliferating army of human and technological hands dedicated to spotting and removing unacceptable material.

There are now between 20,000 and 50,000 employees of this sprawling team of “Internet police” working to maintain stability by flagging content and removing it from the public sphere, and monitoring who is posting material offensive to the government. Since 2004, the authorities have hired undercover, pro-party “commentators” to trawl the Internet and sway public opinion by commenting positively on government stories or negatively on “sensitive” topics. These members of what has become known as the “Fifty Cent Party,” so called for the fee each commentator reportedly receives per post, may number as many as 300,000.

But as China’s citizens have found inventive ways around, through, and over these ever more-imposing barriers, they have also begun to directly challenge the barriers themselves.

On 8 June 2009, authorities made public a new directive requiring computer manufacturers to pre-install filtering software known as the Green Dam Youth Escort program, which, they insisted, had been created to filter out pornography or other content that could be considered harmful to children. The software, however, was designed to actively monitor the user’s computer behavior, and would close software, including word processing, if it sensed “inappropriate” speech—including 6,000 politically sensitive words.⁴⁶ The directive was to go in effect on 1 July 2009.

The initiative met widespread resistance. Not only would Green Dam facilitate intensive censorship, it also contained flaws that would make it easy for hackers to enter into a user’s system and steal personal information. A survey conducted by Sina, the largest of China’s national Internet portals, found that more than 80 percent of respondents were opposed to Green Dam.⁴⁷

Activists called for protests. On his blog on 23 June 2009, Ai Weiwei urged netizens to boycott the Internet completely for the day on 1 July.⁴⁸

In response to the uproar, authorities delayed the deadline for manufacturers, and then later announced that Green Dam would instead be an optional add-on. In mid-July, it was reported that the software developers had lost the financial backing of the government. In the end, 20 million computers in Internet cafés and schools received the software.⁴⁹

As Chinese authorities were seeking to expand their internal censorship tools, they were also becoming increasingly aggressive with international Internet companies. In June 2009, the government briefly blocked access to Google’s main search engine and its other services such as Gmail, and then forced the company to disable a function that suggests search terms, citing concerns about pornographic material.⁵⁰

In December 2009, hackers based in China launched a sophisticated cyber-attack on Google’s systems, targeting the company’s source code as well as the email accounts of a number of human rights activists. WikiLeaks later released a cable dated 18 May 2009 that indicated that propaganda chief and Politburo Standing Committee member Li Changchun had discovered that Google’s worldwide site was uncensored after he had allegedly searched for his own name and discovered unfavorable

Bizarre Freedom in a Divided Country

By Liu Di

Translated by Scott Savitt



Over the past four years, China's rulers have continued their harsh repression of free speech, arresting writers and dissidents, putting them under house arrest, harassing them, or making them disappear. For me, as a result of articles I published online, I was questioned by police numerous times, put under house arrest and given dire warnings. In December 2009, after I tried to enter the courtroom for Liu Xiaobo's trial to observe the proceedings, the state security police took me to a guest hostel where I was held under house arrest for a number of days. On October 8, 2010, Liu Xiaobo received the Nobel Peace Prize, and I was held under house arrest at my home. Beginning around December 10, 2010, when the Nobel Peace Prize ceremony was held, I was again taken to a guest hostel and held under house arrest. On May 8, 2011, because of opinions I expressed on the Internet I was detained and interrogated for 24 hours.

But this is only one side of the story. Because of the increasing use of microblogs in China, diverse online opinions have become harder and harder to control and the influence of public opinion is also on the rise. A platform for public debate has been effectively established. The following examples are evidence of this development:

2. In February 2011, when the Jasmine Revolutions broke out in the Middle East, people on Chinese microblogs playfully called for "Jasmine Gatherings" in China. The Beijing government responded as if facing a mortal enemy. They sent large numbers of police with police dogs to shut down the busy shopping districts of all large cities and arrested a large number of netizens. This clearly demonstrates the Chinese regime's panic and helplessness in the face of online public opinion.

2. The recent Wang Lijun affair in Chongqing, Sichuan Province, began with microbloggers revealing unusual activity outside the U.S. Consulate in Chengdu. Less than two days later, the official Xinhua News Agency reported: "Chongqing Vice Mayor Wang Lijun entered the U.S. Consulate in Chengdu on February 6 and stayed there overnight. Relevant organs are now investigating this incident." The Beijing regime is having an increasingly difficult time covering up facts and controlling public opinion.

3. The recent National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC) passed a revised draft of the Criminal Procedure Law stating "Those suspected of harming national security can be held under house arrest without notifying their family members." This and other factors were attacked and strongly opposed by large numbers of netizens on microblogs, some of whom lobbied NPC representatives to vote against this revised draft law. It is clear that netizens have already increased their political influence on the NPC and CPPCC (the "rubber stamp" and "political flower pots," respectively).

China's present regime has no intention of improving human rights or expanding freedom of speech, but it is also unable to completely control online public opinion. They don't understand the Internet, but they don't dare to completely shut it off. Looking up at those governing China or down at Chinese society you will see two completely different Chinas. This is the bizarre situation of freedom of expression of a divided country.

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results. Later, another WikiLeaks cable cited a “well-placed contact” who claimed that the December 2009 cyber-attacks “were directed at the Politburo Standing Committee level”—an indication, some said, that may have pointed to Li Changchun.⁵¹

On 12 January 2010, Google announced that it would end its cooperation with China's censorship rules and consider exiting the country altogether.⁵² Some Chinese Google users expressed fears that they would lose access to Google's vast array of tools. Others laid funeral wreaths at the company's headquarters in Beijing, a sign of respect and mourning. Many wondered if they would lose the touch of freedom they had gained with Google.

On 22 March 2011, Google announced that, rather than restricting search results for Chinese users, it would automatically redirect them to its unfiltered Hong Kong search engine.⁵³ Users could still find their results censored by the Internet police, but the company would no longer comply. The government was furious. On 30 March, it blocked access to the Google search engines altogether for a day. In June, Google softened its stance by ending the automatic redirect to its Hong Kong search engine and instead offering a link to it. Google would eventually add a feature that warned users in China when the search terms they were using were on a list of prohibited or restricted searches.

The Chinese government itself had blocked Twitter in China after users, bypassing the media and Internet blackout, spread images and reports of the July 2009 uprising in Xinjiang Province, in which over 190 people died, and nearly 2,000 were injured. But the move did nothing to control the growth of microblogging: today, more than half of the more than 564 million Internet users in China maintain microblogging accounts, known in China as *weibos*, which exploded in popularity after Sina launched its weibo platform in August 2009. While many Internet-savvy users continue to communicate with the world via Twitter, jumping the firewall by using Virtual Private Networks (VPNs), many activists have shifted their focus to domestic platforms such as Sina Weibo and Tencent Weibo in order to reach the millions of Chinese users. Weibos, says Beijing Renmin University politics professor Zhang Min, are “the freest place in China to speak.”⁵⁴ They are also more difficult to control.

When two bullet trains collided outside the city of Wenzhou in Zhejiang Province on 24 July

The “Stability Maintenance System” versus the Rule of Law

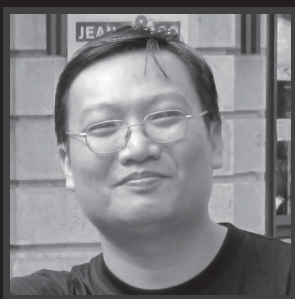
by Ye Du

Translated by Scott Savitt

To maintain the privileges of vested interests, China has created a “stability maintenance system” that extends official control over society and represses civil rights. The main feature of this system, which operates according to the principle “stability overrides everything, and everything must be subordinate to stability,” is that it turns all citizens into imaginary enemies. It monitors, shuts down, and represses anything that might threaten the Communist Party's dictatorship and its control of ideology, speech, news and facts.

For the Chinese people, the Internet is the main battlefield to pursue free speech and free expression. The spread of Chinese-language Twitter, microblogs, and other social media presents a real challenge to this extremely authoritarian system, providing the most important platform for a civil rights movement. Authorities therefore use the following methods to control the Internet and limit the dissemination of opinions:

1. The notorious “Great Firewall of China,” the major tool used to strengthen control of the Internet, blocks all outside sources of information on human rights, freedom and democracy. All new Western social media sites such as Facebook, YouTube, and Twitter, are blocked in China.
2. A coercive self-censorship system, a key part of the most restrictive Internet control system in the world, forces online news media to censor themselves. News publishers know if they violate the rules they will be punished, banned, or shut down, so they censor themselves—or like Google, which pulled out of the Chinese market at the beginning of 2010, effectively shut themselves down.
3. An army of government-employed human enforcers inspect and control the Internet. Large numbers of Internet police and paid Internet commentators (the so-called “Fifty Cent Party”) scrutinize opinions and threaten and prevent netizens from exercising freedom of expression. Thanks to this and the “real-name registration system,” peaceful writers are arrested and detained for merely expressing their opinions on the Internet.



The website of the Independent Chinese PEN Centre has been blocked by the Great Firewall since the site launched in October 2006, and it has suffered repeated cyber-attacks as well, especially during what the government considers to be “sensitive periods” around October 1, June 4 anniversary, before and after Liu Xiaobo’s sentencing, and during the National People’s Congress.

This suppression of the ICPC’s website is the work of the Internet police, enacting their duty to “preserve stability.” And yet our readers, are for the most part, Chinese. Through Google Analytics, I know there are visitors from over 100 countries, but most are from mainland China. They have found ways to cross the Great Firewall to come to our site. On October 8, 2010, on the day Liu Xiaobo was announced as the winner of the Nobel Peace Prize, the number of visitors to our site increased fivefold.

China’s stability maintenance system went into overdrive in February 2011. Fearing that the Jasmine Revolutions in North Africa would spread to China, the regime launched a brutal nationwide crackdown to maintain order. The whole country fell into a new red terror; it was the largest crackdown on Chinese intellectuals since Mao’s Cultural Revolution in 1976. Hundreds of writers, journalists, and lawyers were subjected to surveillance, placed under house arrest, detained, kidnapped, arrested, or disappeared. Many of those who were secretly detained suffered ill treatment that included beatings, sleep deprivation, brainwashing, and threats, and many suffered emotional and physical torture. I myself was held and tortured for several days for round-the-clock interrogation and was not allowed to sleep. They forced me to admit that my published articles were “crimes.”

When the police raided my home, they took away my computers, laptops, videos and DVDs, CDs, all of my files and documents—some of which were PEN or ICPC documents. I had been at the Tokyo PEN Congress in September 2010, and I had CDs and other materials with sensitive documents and names, and also a CD that ICPC had produced featuring Liu Xiaobo, our

former president, discussing freedom of expression in China. During my interrogation, my captors started to ask me about ICPC: when I became a member, who is in charge of what, what kinds of groups or departments we have, and about other members who are active like me or who’ve done similar activities. I told them that ICPC is a member of the international organization PEN International. But they said, no, that’s not true: ICPC is a hostile organization against our state.

For an entire month, from February 22 to March 27, I saw no sunshine. For the first week, they came in waves, questioning me day and night. I got no more than an hour sleep each day. My only break was to eat or go to the toilet.

That’s their technique: they want to break you psychologically. They ask one question over and over to see if you say different things. They ask in the morning and the afternoon and the next day, again and again until they believe they have destroyed you psychologically, so you’ll say something you don’t want to say.

I was held for three months. And of course I wasn’t alone. In my circle of friends in Guangzhou, there were over 20 arrests, and many many more from across the country that were reported in the media. And there are some cases that weren’t reported.

This period of muzzling voices and suppressing civil rights in the name of maintaining stability has further weakened the rule of law in China. In March 2012 the National People’s Congress passed a revised draft of the criminal procedure law to permit secret detention and long-term extra-legal custody, giving the police new powers to abuse their publicly-vested authority, openly and brazenly expropriating and trampling on the individual rights and freedom of citizens. This weakening of the rule of law signals the advent of an even more terrifying and bloody period ahead.

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2011, killing 40 people and injuring nearly 200, the tragedy played out from beginning to end on the weibos. Just before the crash, a young girl looking out her window was alarmed to see one of the high-speed trains inching over a viaduct after a powerful storm. "I hope nothing happens to it," she posted on her Sina Weibo account. Moments later, a second train rammed it from behind.

Almost immediately, messages began to emanate from inside the trains. A passenger posted a message reporting a blackout on the train and "two strong collisions"; minutes later, another passenger sent out the first call for help. That message was reportedly reposted 100,000 times.⁵⁵

Chinese authorities responded to the accident by falling back on old habits, literally trying to bury cars from one of the stricken trains and control press coverage. China's Central Propaganda Department issued a directive ordering journalists not to question or elaborate on official accounts or to investigate the cause of the accident. Instead, journalists were to focus on the special interest side of the story: "The major theme for the Wenzhou bullet train case from now on," the directive said, "will be known as 'great love in the face of great tragedy.'"⁵⁶

The propaganda effort could not withstand the groundswell of weibo revelations and accusations. Users posted photos of the clumsy effort to bury the wreckage and alleged a cover-up; authorities backpedaled and excavated the train. When weibo posts revealed that local bureaucrats had warned lawyers not to take the cases of families of victims without permission from the government, authorities were forced to reverse course again.⁵⁷

Such successes reverberated through traditional and new media. As major Chinese Internet portals removed links to news reports and videos, and newspapers censored reporters' articles, people took to the weibos to criticise the press: A blogger from Hubei Province wrote "I just watched the news on the train crash in Wenzhou, but I feel like I still don't even know what happened. Nothing is reliable anymore. I feel like I can't even believe the weather forecast. Is there anything that we can still trust?"⁵⁸

Traditional media grew bolder, with several leading newspapers launching their own investigations and exposés, and members

One journalist, angry that his investigative story was being pulled, posted on his Sina Weibo account "I'd rather leave the page blank with one word – 'speechless.'"

of the official press joining the fray on the microblogs to decry the censorship. One journalist, angry that his investigative story was being pulled, posted on his Sina Weibo account "I'd rather leave the page blank with one word—'speechless.'"⁵⁹

Corrupt contracting and construction practices, flawed technology that was rushed to the market to meet arbitrary party deadlines, official censorship, governmental indifference to the suffering of individual citizens—the Wenzhou train crash sparked wave after wave of revelations and recriminations. Censors struggled to halt or slow the tide, but postings spread too fast and too far to have much effect. In the five days following the Wenzhou crash, users posted 26 million messages to Sina Weibo and Tencent Weibo.⁶⁰

Finally, under intense pressure from its citizens and an increasingly restive press, the government announced that there would be a thorough investigation into the cause of the crash. When the official report on the investigation was finally released at the end of December 2011, it placed the blame on top officials at the Ministry of Railways, who had already been fired, as well as the bidding process for the signaling equipment, which, it concluded, was seriously flawed. The errors and misconduct were compounded by the attempted censorship, investigators found, concluding that officials "did not disclose information and did not respond to the concerns of the public in time," which "caused a negative impact in the society."⁶¹

Two features unique to the Chinese weibo have helped make these microblogs such a force to be reckoned with for authorities. First, unlike on Twitter, photos and videos can be displayed directly in a weibo post as opposed to referring readers to the material through a link. Text in photo and video files is not searchable, so images and sensitive words that appear in such files often evade the censors more easily. Users now regularly save images of weibo posts as soon as they appear and repost these screenshots as soon as the censors strike; the screenshots both reiterate the original post and offer graphic evidence of the government's manipulation of online content. These, too, may eventually be removed as the much-slower army of human eyes trawls through the weibo feeds, only to be reposted again. Second, weibos permit readers to comment directly on users' posts, encouraging direct engagement with controversial content and fostering instantaneous debate and discussion. These discussions are increasingly turning to criticism of official versions of events or of censorship itself, and ultimately to collective action.

When Ai Weiwei was released on 23 June 2011, following nearly three months in incommunicado detention, the official news agency Xinhua announced that he had confessed to the allegations of tax evasion and agreed to make a full repayment; he had been freed, Xinhua said, "because of his good attitude in confessing his crimes as well as a chronic disease he suffers from." Terms such as "fat guy," "AWW," and "released," as well as "love the future" were blocked on weibo to limit public reaction, but to no avail. Users wrote that they were "staying up for good news" or "celebrating." "They couldn't prove he did anything wrong and it isn't good to just ramble, so they said he committed tax evasion," one post read. Another, whose original message had been deleted, fired back, "Why can't I even type in 'going home' now? I didn't really say anything sensitive. Sina do you have to be so scared?"⁶²

Officially restricted from speaking to the international media and using weibo, Twitter, and other social media, Ai Weiwei's voice was muted for several months. But when officials issued a formal demand for \$2.4 million in back taxes in November 2011, giving the artist 15 days to raise an amount that was now three times larger than the original allegations, Ai denounced the move on Twitter as clear retribution for his political

criticisms, and netizens were quick to act. Users posted requests for Ai's bank account details, Ai's assistant provided account information, and donations began pouring in.

When censors blocked the online donations, supporters flew paper airplanes made out of folded banknotes over the walls of Ai's studio compound in Beijing. Campaigns on behalf of the artist proliferated on the microblogs: in one, users posted images that included ceramic sunflower seeds from Ai's iconic installation, which had been displayed at London's Tate Modern gallery the previous year; in another, responding to Ai Weiwei's reports that during his detention he had been interrogated about a photograph depicting the artist and four female assistants nude (a work challenging fear and isolation in society, Ai says) and threatened with prosecution for pornography, dozens of users posted nude photographs of themselves and their friends.⁶³

Additionally, in August 2011, Ai and several other recently released dissidents detained during the Jasmine crackdown, including Teng Biao and Hu Jia, went back to work speaking up for others on Twitter and weibo. On 9 August, Ai tweeted in support of jailed blogger Ran Yunfei, "If you don't speak [up] for Wang Lihong and Ran Yunfei, you are not only a person who will not stand up for fairness and justice, you have no love for yourself." Ran, who had been in detention for six months, was released later that day.

Similar dynamics drove a remarkable grassroots campaign for Chen Guangcheng, the blind, self-taught legal activist who brought national attention to the widespread use of forced abortions in his home city of Linyi, Shandong Province. Though at first praised for his advocacy on behalf of the disabled, Chen soon found himself targeted for his defense of the rights of women and children, spending four years in prison on the trumped-up charges of "intentional destruction of property" and "gathering people to disturb traffic order." When Chen was released in 2010, he and his family were placed under extralegal house arrest, with plainclothes security guarding his home in Dongshigu Village day and night. He and his family were beaten and confined to the house. Security also guarded Dongshigu's gates, preventing not only Chinese and international media from entering, but also keeping ordinary citizens from visiting the family.

In 2011, a social media artist named Crazy Crab launched a viral Internet meme campaign he called the "Dark Glasses Portrait," calling on people to photograph themselves wearing sunglasses and posting them to his website in a show of solidarity for Chen.⁶⁴ When censors moved in and blocked the site, people began posting their photos directly onto Sina Weibo. Because they were photographs, and ambiguous ones at that—how could censors be sure an image was a comment on Chen and not an innocuous self-portrait?—Chen's image spread.⁶⁵ It soon began to appear beyond the virtual world, as graffiti on walls throughout China, on t-shirts, even on a bumper sticker that bore the message "Free CGC," stylized to mimic a Kentucky Fried Chicken (KFC) advertisement featuring the image of "Colonel Sanders."

Online and in the streets, people began to ask what was happening to Chen Guangcheng, and many were moved to travel to Dongshigu to investigate for themselves whether the accounts they were hearing on weibo were true. Hu Xuming, a computer salesman, was among those who joined up with strangers to make the journey. "I couldn't believe something so dark and evil could happen in my country," he said, "so I had to see for myself." As for many who made the journey, activists and ordinary citizens alike, his vehicle was attacked as soon as it arrived. Many were beaten as they were forced back. There were reports that police blocked cars, then stood back and allowed groups of men to attack and rob them.⁶⁶

These encounters, too, were documented and disseminated on China's microblogs. Popular novelist Murong Xuecun made the journey and described the rough reception he received to thousands of his Internet followers, and later recounted his experience for international audiences in a powerful essay in the UK-based *Guardian*. In that piece, he articulated a sense of empathy and identification that is increasingly common in the microblog communications of Chinese citizens. "You don't have to care about Chen Guangcheng," Murong wrote, "but you do need to know that at the moment his freedom was arbitrarily taken away, your freedom came under threat."⁶⁷

Chen Guangcheng's ordeal came to a dramatic climax in April 2012, when he staged a daring nighttime escape from his quarantined village, and, with the help of online activists and

friends, made his way to the U.S. Embassy in Beijing. Activists and concerned citizens celebrated, and word of his escape spread quickly on the microblogs. Because Chen's name is banned, netizens again used code words and phrases to report on Chen's progress. The terms "Sunglasses," "blind man," "Shawshank Redemption," "A Bing" (a popular blind singer), and later, after tense negotiations that finally led to his departure with his family to the United States in May, "UA898"—his flight number—all circulated for crucial minutes and hours before being discovered and banned by the censors.

At the same time, the Chinese government was contending with an even more unsettling demonstration of the new media's power. In February 2012, Chongqing police chief Wang Lijun fled to the U.S. Consulate in Chengdu, Sichuan Province, after a falling out with Chongqing Communist Party chief Bo Xilai over the November 2011 death of British businessman and Bo family friend Neil Heywood. By March, Bo had been removed from his post as Chongqing party chief, and the following month, he was stripped of all of his posts in the party. His wife, Gu Kailai, became the focus of an investigation into Heywood's death, and was later convicted for his murder.

Little appeared in the official media about the unfolding scandal, but microblogs exploded with reports, speculation, and reaction. When censors banned "Bo Xilai," "Gu Kailai," and "Heywood" as search terms, microbloggers switched to the hash tag "Important news" and typed "wood" to refer to the murdered businessman. Rumors of a coup led the government to order Sina and Tencent to temporarily shut down their comments features in March. Still, by mid-April, more than one million messages were posted or re-posted on the issue.

It was the second time in a matter of months that Chinese authorities had used the containment of rumors as a pretext for taking action against microblogs. In December 2011, government officials announced that to control the spread of online rumours, all weibo users would have to register with their real names and ID numbers, a requirement that was to go into effect on 16 March 2012, threatening to shut down those accounts that could not be verified. The plan met resistance. In February, Sina Corporation complained that the requirements would significantly harm its earnings, announcing in February that 40 percent

of Sina Weibo's users who had tried to complete registration reportedly failed to pass the identity verification process and risked losing their accounts.⁶⁸ In April, Sina admitted that it had not fully implemented the new rules.⁶⁹

In May, apparently hoping to forestall government action, Sina unveiled its own "Weibo Credit" system, which encourages users to report each other for spreading "untrue information." Negative reports result in a lower credit score, and a low score can lead to a deleted account. In an attempt to come closer to compliance with the real name registration requirements, credit points are given to those who submit their ID cards. At the same time, Sina announced it would be doing its own policing of user content. Now users who log more than five posts containing "sensitive" information will find their posts deleted and will be prohibited from posting anything else for 48 hours. Those who are found to be "maliciously posting sensitive information" can be prohibited for more than 48 hours, and their accounts may be deleted altogether.⁷⁰

Still, Chinese continue to register protests through weibo. In January 2013, for example, the Guangzhou-based, liberal newspaper *Southern Weekly* prepared to publish a New Years editorial calling for reform, respect for human rights, and adherence to the rule of law. Before it went to print, however, censors altered it heavily. The piece that was actually published ended up as a tribute in praise of the Chinese Communist Party.

Editors and staff were outraged, and the paper's journalists took to weibo to expose the scandal. Censors were told to delete the posts. Some journalists had their accounts completely shut down. On 3 January, the Central Propaganda Department issued a directive barring all members of the media in China from discussing the issue, and blocked the words "southern" and "weekend" on weibo, but it did little to stop the outcry.

By 7 January, activists were gathered outside *Southern Weekly's* offices, calling for an end to censorship and respect for freedom of expression. Students and celebrities joined in. One actress with over 30 million followers on weibo lent her support and quoted Solzhenitsyn, saying "One word of truth outweighs the whole world." Han Han, China's most popular blogger, wrote an editorial in Hong Kong's *South China*

Morning Post after his weibo posts were deleted, criticizing the muddy lines between what is publishable and what is punishable.

Many other news outlets stood by *Southern Weekly*. *Beijing News* refused to publish an editorial denouncing the protests, despite a directive from the propaganda department, and some of the country's most respected news websites posted coded messages of support.

By 9 January a deal had been struck: journalists who had protested would not face reprisals, and censors would not take such a heavy hand with editorial content. *Southern Weekly* journalists went back to work, but with an entire army of netizens standing behind them.

Crappy Freedom

By Murong Xuecun

Translated by Scott Savitt



If you're a writer and want to write a novel about life in modern China, you must steer clear of the following periods: the great famine from 1959 to 1962, the Cultural Revolution from 1966 to 1976, and the Tiananmen incident of 1989. Otherwise you will find it difficult to get your book published.

If you're an editor or reporter, you must know which events can be reported, which can be reported with some caution, and which absolutely cannot be reported; otherwise you're likely to be removed from your position, or even fired.

Every day propaganda departments issue all kinds of orders at their meetings, notifying people which words must not be mentioned, which must be blocked. Over the decades, these bans have never been withdrawn; they've piled high enough to become a new Himalayas.

Sitting on the towering summit of this mountain, our government's spokesperson has announced many times that the Chinese people enjoy extensive freedom of speech. Sitting at the foot of this mountain, the kind-hearted people can interpret that this way: for those events that can be reported, we enjoy real freedom; for those events that need to be reported with caution, we enjoy cautious freedom; for those events that are not allowed to be reported, we enjoy the freedom of no knowledge.

In 1931, the magazine *Middle School Students* asked Lu Xun what he would say if he had a chance to talk with one of its readers.

Lu Xun answered that he would tell the student, "Let me ask you: do we have freedom of speech? If the answer is no, don't blame me for not saying anything. If I must say something, I would say that the first step is to fight for freedom of speech."

Eighty-one years after Lu Xun's death, his works have been deleted from textbooks and the mission

he passed on to future generations has yet to be accomplished. Generations of Chinese have fallen on this narrow and thorny road—but when they look back, they realize they haven't walked far. When we open our mouths and talk, what we're fighting for is still the very right to speak.

The free world has all kinds of wonders; the unfree world has all kinds of wonderful shortages of freedom.

When we look deep into China's climate for free expression, we see a very complex situation. Every city, every publishing house, and every editor has its own standards. The same article that can be published in Guangzhou may be banned in Shenzhen, and may be published in Beijing only after revision. The same book that Editor A might publish might be considered a dangerous item by Editor B.

All media and publishing houses are institutions of the government. While their employees enjoy the rank, treatment, and welfare provided by the government, they must at the same time obey the government, which includes prior censorship and the cruel settling of scores afterwards. The strategy of the propaganda department to control the media is "Don't kill them. Let them live in fear."

Under such tremendous pressure, each and every media worker must assume the responsibility of a "speech censorship officer," who must make sure that every article that leaves his hand is harmless, free of being reactionary, free of pornography, free of sounding gloomy and decadent, and free of having any negative impact, or they will be responsible for some extremely serious consequences later. Some retired senior officials even volunteer to participate in this great cause of censorship. As soon as they find some banned terms, they pick up the phone and report to the government. They never consider that what they

do is shameful. On the contrary, they are filled with a sense of justice, believing that they are defending their motherland.

In the past decade or so, the condition of freedom of speech in China has improved remarkably. But if any credit is due the government, it's due to its powerlessness.

In the Internet age, the Chinese government learns new technology and techniques every day. It has set up a thesaurus for sensitive words, adopted the most advanced firewall technology, and hired a huge number of anonymous people to defend it. It has blocked numerous foreign websites, including Facebook, Google, and Twitter. It has purged websites in the name of sweeping pornography and attacking rumors. Not long ago the comment function on the most influential Sina and QQ microblogs were shut down.

But while these means are very powerful and frightening, the government appears powerless when faced with the even more powerful Internet technology. Like an old, broken lawn mower, every time it cuts a weed's leaf, several new leaves grow.

In the gap between technology and regulatory instruments, the Chinese people are finally able to hear some free words and to read some true facts that the government has not yet had time to block. The high-speed train accident, the Wukan anti-government protests, the Chen Guangcheng incident, and many other incidents and events all set off huge waves on the Internet before a ban was imposed. More and more people joined in to make comments and publicize facts online, on blogs and microblogs.

It reminds me of what an ancient Chinese wise man said: Blocked words are like a flood, they will one day make the dam collapse.

You can't imagine how much wisdom and energy the Chinese people have to expend on their choice of words. On the Internet, people call Falun Gong "wheel." The year 1989 has become "the year before 1990"; June 4 is now "May 35"; tank is called "tractor." Deputy mayor Wang Lijun, who recently caused a sensation, is cleverly called "head nurse Wang Lijuan."

Speakers and listeners understand these words; censors pretend not to understand them. In this way, a harmonious society comes into being.

On April 22, 2011, a Chongqing netizen named Fang Hong posted a joke online: When Bo Xilai asked Wang Lijun to eat his shit, Wang Lijun asked the procurator to eat it, who then asked Li Zhuang to eat it. Li Zhuang said: whoever shit it should eat it.

Two days later, Fang Hong was arrested by the Chongqing police and was sentenced to one year of re-education through labor.

Bo Xilai has left Chongqing. Fang Hong's whereabouts are unknown. But the "Pile of Shit" case has universal significance and symbolism. It's like the moral of a typical Chinese fable: You have the freedom to take a shit, and you have the freedom to eat it. But you don't have the freedom to casually comment on it.

Murong Xuecun (real name Hao Qun) is a writer based in Beijing whose popular novels often invoke the ire of authorities.



Chapter 3

The Literary Community

The problem of class stance. Our stance is that of the proletariat and of the masses. For members of the Communist Party, this means keeping to the stance of the Party, keeping to Party spirit and Party policy. Are there any of our literary and art workers who are still mistaken or not clear in their understanding of this problem? I think there are. Many of our comrades have frequently departed from the correct stance.

Photo: Larry Siems

Don DeLillo's Words

When people speak of the Chinese century, they are thinking most likely of the country's Olympic triumph, its vibrant economy and its rapid construction, its eager parade of tourists from everywhere.

But we may know a country more surely by noting the tone of its literature, what its writers say or are not permitted to say—writers who are marked as enemies of the state.

What happens to the writer caught in the tide of round-the-clock surveillance, enforced isolation, detention without trial?

think of a man alone in a room. This is the writer's classic condition, usually extended when the state locks the door to the room. Think of the writer in opposition, the man who writes against power, who writes against the coded mechanisms of the state and the entire apparatus of total assimilation.

It's the nature of language to pick itself against the smothering consensus of the state. Words want to be free. Liu Xiaobo's crime is called "an excitement to subvert state power." That is an administrative term for the exercise of free speech – the very quality, Liu writes, that is the mother of truth.

Where, in, where, land to feel a natural kinship, country to
 identity, language to language. We write to be true to some
 urgency of self. We find identity in the lines of poetry we write, in
 the sentences and paragraphs of our novels and essays. We write
 to look ourselves into existence.

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Founded in 1953, the CWA, like the similar associations for visual artists, musicians, and film and television professionals that fall under the umbrella of the China Federation of Literary and Art Circles, was established to promote Mao's principles. For decades, in practice this meant protecting and advancing the careers of those writers who toed the Communist Party line and limiting opportunities for those who did not. Today, few of China's citizens view Mao's legacy uncritically, and the 9,000 members of the CWA include many who would not have passed his rigid test of ideological purity. But the CWA remains the principle vehicle for party patronage, and when President Hu Jintao addressed the association at its eighth national congress in Beijing in 2011, he sounded familiar notes on the responsibility of writers to the Party, urging CWA members to study the most recent decrees of the Chinese Communist Party's (CCP) central committee and carry the banner of socialism with Chinese characteristics.⁷²

A survey of Mo Yan's work suggests how much more elastic the definition of carrying that banner is today than when his parents would warn him, "mo yan," or "don't speak," when he went outside to play in the 1950s and 1960s—a warning to stay out of trouble. His novels *The Garlic Ballads* and *The Republic of Wine*, for example, include stinging critiques of elements of Chinese society, and his most recent novel, *Frogs*, centres on China's controversial one-child policy. But Mo Yan has also credited state censorship with spawning the literary innovations in his work.

"Many approaches to literature have political bearings, for example in our real life there might be some sharp or sensitive issues that they do not wish to touch upon," Mo Yan told an interviewer in 2012. "At such a juncture a writer can inject their own imagination to isolate them from the real world or maybe they can exaggerate the situation—making sure it is bold, vivid and has the signature of our real world. So, actually I believe these limitations or censorship is great for literature creation."⁷³

And Mo Yan has been frank about his affiliation with the CWA, and thus with the state. "A lot of people are now saying about me, 'Mo Yan is a state writer,'" he said in another 2012 interview. "It's true, insofar as like the authors Yu Hua and Su Tong, I get a salary from the Ministry of Culture, and get my social and health insurance from

them too. That's the reality in China. Overseas, people all have their own insurance, but without a position, I can't afford to get sick in China."⁷⁴

Such benefits come with obligations. As a member of China's official delegation to the Frankfurt Book Fair in 2009, Mo Yan joined his fellow delegates in walking out of a panel to protest the presence of dissident writers Dai Qing and Bei Ling. Mo Yan justified his actions by saying, simply, "I had no choice."

Dai Qing wasn't always labeled a dissident writer. Raised by a high government official after her parents were executed by the Japanese during World War II, Dai first worked as an engineer before becoming a well-respected journalist in the early 1980s. It wasn't until her book, *Yangtze! Yangtze!*, a collection of essays and interviews with scientists, journalists, and intellectuals who opposed the Three Gorges Dam Project, was published in 1989, shortly before the June Tiananmen crackdown, that she waded into trouble with authorities. Following the crackdown—which not only targeted democracy activists but chilled free speech in general—the book was banned and Dai Qing was jailed for 10 months. Though she continues to write widely on environmental and social issues, she has been unable to find a publisher in mainland China ever since.⁷⁵

This kind of blacklisting of writers who work outside the umbrella of the CWA continues despite the recent diversification of China's publishing industry. The General Administration of Press and Publication (GAPP), the government agency responsible for the regulation and distribution of news, print, and Internet publications, traditionally has held the final word on what may or may not be published. Today, though, venerable state-owned publishers compete with independent presses that scout and publish books with an eye not necessarily to ideology but to popularity. Still, GAPP seeks to maintain a measure of control by monopolizing ISBNs (International Standard Book Numbers). Private publishers must buy ISBNs from the government, and can have their supply cut dramatically for publishing controversial works. This ensures a level of self-censorship even among the independent presses, and those that become too adventurous can be forced to close. For example, in June 2011, officials shut down Zhuhai Publishing House after it published a memoir by Hong Kong newspaper publisher Jimmy Lai.⁷⁶

Meanwhile, writers who publish books on subjects long considered taboo have increasingly faced threats and intimidations far more direct than blacklisting. Zhou Qing, who is from central Shaanxi province, had studied literature and began his career as a novelist in Beijing. The Tiananmen demonstrations changed him, he says. After spending nearly three years in prison for participating in the protests, he abandoned fiction in favor of investigative journalism. "The reality in China right now is far more absurd than any reality a novelist or filmmaker can invent. To write fiction in present-day China would be an act of careless extravagance," Zhou said in a September 2011 interview. But just to step into the world of investigative journalism is to invite danger. "No matter which field you choose to investigate in China, once you delve in deeply, you'll butt up against horrifying realities."⁷⁷

After Zhou's groundbreaking exposé on the country's tainted food scandals, *What Kind of God: A Survey of the Current Safety of China's Food*, was published in heavily expurgated form in China in 2004, and then banned, Zhou was beaten unconscious by strangers in a Beijing restaurant, an attack so severe that he needed 32 stitches to his face. Police refused to investigate the assault, telling Zhou, "You're not our writer."

What they meant, Zhou said, was that "I am outside the law's protection, that no one in the government is obliged to protect me. 'Their' writers are members of the official writers' associations, and constantly under state supervision."

After continued surveillance and harassment, Zhou was eventually forced to seek refuge in Germany in 2008.

He was joined there in 2011 by Liao Yiwu, who had waged a two-decade-long battle to bring the everyday realities of contemporary life into Chinese literature. A state-subsidized writer on the rise in the late 1980s, Liao was jailed in 1990 for four years for his Tiananmen eulogy poem "Massacre," and barred from publishing in the mainland following his release. Over the next decade he traveled through China recording conversations with Chinese citizens whose lives were being lived in the shadows of China's economic boom. His *Interviews with People from the Bottom Rung of Society* was published in Taiwan in 2001. He followed this with another

Why Does the Communist Party Leadership Still "Sing Red" in 2012?

By Gao Yu

Translated by Scott Savitt

In 2008, after the Sichuan earthquake and the Beijing Olympics, Politburo Standing Committee propaganda chief Li Changchun, CCP Central Propaganda Department Director Liu Yunshan, and Beijing Municipal Party Committee General Secretary Liu Qi, all wrote articles praising the "whole nation system." The Chinese Communist Party was determined to present the "Chinese model" and "Chinese road" to the world. This propaganda reached its peak in 2009, when the financial crisis spread across the globe.

That same year, two months before Liu Xiaobo was arrested on suspicion of "inciting subversion of state power" in connection with Charter 08, Communist Party General Secretary Hu Jintao made a speech at the third Plenary Session of the 17th Party Congress declaring that "anti-westernization and anti-separatism are long-term priorities of our Party's political and ideological line." He emphasized that "the Party must consistently strengthen the management of public opinion and propaganda, do a good job in managing media and the Internet, and create a good environment of public opinion for the recovery of the economy and maintaining social stability." The speech was a continuation of Hu's address at the Fourth Plenary Session of the 16th Party Congress in 2004, when he was elected Chairman of the Central Military Commission and said, "In the management of ideology, we must learn from North Korea and Cuba."

In 2010, China surpassed Japan to become the second largest economy in the world. That same year, the Chinese Communist regime came into conflict with the international community when it tried to interfere with the presentation of Liu Xiaobo's Nobel Peace Prize. Several hundred dissidents were detained or put under house arrest, and their Internet and telephone services were cut off to prevent them from expressing their opinions. Prominent academics, including renowned economist Mao Yushi, were blocked from traveling abroad for academic exchange on the grounds that they might "endanger national



security.” Dissident Liu Xianbin, who wrote five articles criticizing the shoddy construction of buildings in Wenchuan, the epicentre of the Sichuan quake, was arrested for the fourth time on suspicion of “inciting subversion of state power.” In the end, the government succeeded in preventing anyone from China from attending the Nobel Peace Prize ceremony in Oslo on December 10.

2011 brought an even greater level of social conflict in China. Authorities imposed a heavy prison sentence on Liu Xianbin, arrested Ai Weiwei, and criminalized dissidents Chen Xi, Chen Wei, and Li Tie for exercising their right to free speech, handing them heavy sentences during the Christmas holidays to intimidate society. In October, the Party passed a resolution at the Sixth Plenary Session of the 17th Party Congress to develop “Party culture” and intensify control over ideology-related publishing.

The 18th Party Congress will be held this year after a series of events—the Wukan anti-government protests, the Chongqing incident with Politburo member Bo Xilai, the Chen Guangcheng incident—that has exposed an unprecedented social and political crises in the “China pattern” and the “Chinese road.” The response? Premier Wen Jiabao publicly announced that there is a danger that the “Cultural Revolution” could return. A government-sponsored “sing red” campaign in Chongqing was launched to praise Chairman Mao. The purpose of China’s “opening to the outside world” 34 years ago was to reform “Mao Zedong’s socialism”; now an even bigger wave of “sing red” is being pushed by CCP leadership in their Zhongnanhai headquarters.

This year, on the 70th anniversary of Mao Zedong’s “Yan’an Talks on Literature and Art,” a forum was held in Zhongnanhai. At that forum, Hu Jintao issued a directive saying that Chairman Mao’s Talks are “a classic document and our Party’s guiding principle in literature

and art work.” The Writer’s Publishing House organized 100 writers, who were each paid ¥1,000, to hand-copy the Talks into a collector’s album. (As a countermeasure, activists launched an online campaign to hand-copy the “Universal Declaration on Human Rights.”)

Mao’s “Yan’an Talks on Literature and Art” created a blueprint for brainwashing the Party and people. Mao Zedong republished his “Talks” in 1966 and 1967, when he launched the Cultural Revolution. This year’s Zhongnanhai commemoration is the third time the CCP has recycled Chairman Mao’s Yan’an Talks, and serves as irrefutable evidence of the Chinese regime’s ongoing ideological dictatorship in the age of globalization and the Internet.

Gao Yu is a renowned journalist who spent nearly seven years in prison for her work. She is a member of the Independent Chinese PEN Centre.

acclaimed collection of interviews with survivors of the Sichuan earthquake in 2009.

Neither of these books has been published on the mainland, though the Taiwanese editions are widely available through Internet file-sharing. Perhaps owing to his growing international notoriety, Chinese authorities took steps to limit his contact with international audiences as well, denying him an exit visa to attend international events abroad 15 times before he was allowed to attend the Berlin and Hamburg literary festivals in 2010 following a plea from German Chancellor Angela Merkel. He was again denied permission to travel to the PEN World Voices Festival of International Literature in New York and the Sydney Writers' Festival in 2011, and when authorities learned of his plans to publish a memoir overseas about his four years in prison, they quickly warned him that he would face "legal consequences" in China if the book was released.⁷⁸

Facing arrest or self-censorship, on 2 July 2011, Liao Yiwu slipped across the border into Vietnam, and made his way to Germany, where he now lives in exile. Liao's work is increasing in popularity overseas, and he has been the recipient of numerous awards, including the 2012 Peace Prize of the German Book Trade, awarded during the Frankfurt Book Fair, giving encouragement to fellow dissident writers who have remained behind.

Former Independent Chinese PEN Centre Vice President Yu Jie, too, was once a rising star. He wrote his first book, *Fire and Ice*, a collection of essays, while a graduate student studying literature at Peking University. The book, published in 1998, formed a criticism of the demise of the 4 June protest spirit and became a bestseller in China. Though it was named one of the top 10 books of the year, it was soon banned by authorities. Yu Jie has since been unable to find a mainland publisher. The rest of his books have been published in either Hong Kong or Taiwan.

Yu Jie himself was placed under increasing threat as his work became more critical. When his book *China's Best Actor: Wen Jiabao* was published to much fanfare in Hong Kong in the summer of 2010, he was detained and then placed under house arrest. He was again placed under house arrest in October 2010 following the announcement that Liu Xiaobo had won the Nobel Peace Prize. In December, the day before the Nobel ceremony in Oslo, and after he announced that he would write Liu's biography, Yu Jie was taken by security officers and held for three days. Yu describes how during that time was tortured, losing consciousness at one point and coming close to death. After this incident, he was placed under increased surveillance and faced constant harassment from authorities, and, like Zhou Qing and Liao Yiwu, decided the

Essay: Sha Yexin

Human Rights in Post-Olympics China

by Sha Yexin

Translated by Scott Savitt



One thing the Chinese government and its leaders often say to outsiders is that "Chinese people mean what they say!"

The "Chinese people" who are involuntarily represented by the Chinese government have since ancient times been honest, kind-hearted people, who keep their promises and truly "mean what they say." Today's Chinese government and its leaders are far from honoring this tradition. They have completely betrayed the Chinese tradition of integrity. Everything they say is a lie and nothing they say can be believed. What they do is to pretend to honor their prior promises to a very limited degree before they need to tell an even bigger lie and commit an even bigger fraud, and after that, they remain unchanged and become even worse.

only way to continue working and be safe would be to flee China. He left for the United States in January 2012. His biography on Liu Xiaobo was published in Hong Kong in the summer of 2012, and in October, Yu Jie received the Civil Courage Prize in New York City.

As more Chinese writers have found new spaces to create as well as increasingly appreciative audiences, the Chinese government has countered with ever more audacious efforts to shape discourse beyond its own borders. The announcement that Liu Xiaobo would receive the Nobel Peace Prize sparked an unprecedented push to punish the Norwegian government and industries economically and an unseemly campaign to press other nations not to attend the award ceremony. There has been a more subtle but no less determined effort to control events in the cultural sphere. As the designated guest of honor at the 2009 Frankfurt Book Fair, the China Organizing Committee pressed its German hosts to withdraw invitations to Bei Ling and Dai Qing, two dissident writers living inside and outside of China. When the Frankfurt organizers, facing international and local criticism, reinstated the invitations, the official Chinese delegation boycotted the events that featured those writers. Bowing once again to the Chinese government, organizers then declined to allow Dai Qing and Bei Ling to speak at the closing ceremonies.

China was even more assertive when it was the guest of honor at the 2012 London Book Fair. This time, all 21 invited Chinese writers were official writers and members of the CWA, and the London organizers declined to invite dissident writers to participate in official events. "Literature," suggested Ma Jian, a founding member of Independent Chinese PEN Centre who lives in exile in London, "is being used as a weapon in a political and cultural war."⁷⁹

Ironically—and disappointingly—the willingness of some in the international community to accede to Chinese government restrictions on who and what audiences can hear stands in growing contrast to the attitudes of Chinese writers themselves. When PEN's delegation visited China in 2011, it found widespread dissatisfaction with the climate for expression among both dissident and widely published, officially recognised writers. Everyone the delegation met with expressed exasperation at a censorship regime they characterized as arbitrary, unnecessary, and small-minded, and frustration with restrictions and boundaries that inhibited their ability to develop their art. One successful novelist and longtime member of the CWA insisted that any serious writer who achieves some level of success should abandon the idea of publishing completely, otherwise she or he will not be able to grow as an artist. In a meeting with members of Independent Chinese

In the past four years since the closing of the Olympics, the air of democracy and freedom over China has thinned day by day and the human rights condition has worsened, causing more and more Chinese writers, journalists, lawyers, and professors as well as ordinary people to be repeatedly repressed. Many were either followed, wiretapped, threatened, detained, "disappeared," or tortured. I'm no exception. I've been watched by the authorities for a long time. In China, my books are not allowed to be published and my plays are not allowed to be performed. Even though my script, "Blissful Encounter with Mr. Cai," received two awards from non-official theater groups and academic institutions, it's banned by authorities.

When Liu Xiaobo was sentenced to prison, I wrote a poem of four lines:

*The emperor-designated convict was sentenced
to eleven years
Bizarre injustice happens in the Sacred Land
every day
Prison is on both sides of the high wall
One is imprisoned either inside or outside of
the wall!*

This is the true condition of human rights in China today.

Sha Yexin is an acclaimed playwright and political commentator based in Shanghai. He is a Board Member of the Independent Chinese PEN Centre and Honorary Chairman of the Chinese Theatre Association.

PEN Centre and other prominent dissident writers at the U.S. Embassy in Beijing, another writer said simply, "Everyone's used to seeing 'Made in China,' but you hardly ever hear the phrase 'Created in China.'" Still missing, he suggested, is the space for real creative innovation.⁸⁰

Wang Lixiong, whose 1991 apocalyptic thriller *Yellow Peril* was banned but still found widespread popularity, was a member of the CWA but left it in 2001 in protest of the organisation's politicization of its writers. In his letter of resignation, Wang asks, "I can't help but think—is it that China's writers are naturally all corpses, or is it that the Chinese Writers Association wants to, and is in the process of, turning China's writers into corpses?"⁸¹

Wang was the first of many. Since 2001, at least 19 other writers have withdrawn from the CWA.

Many others have found that there could be a third way, avoiding the trappings of being labeled an official writer or a dissident writer. Over the last decade, a number of novelists, many writing works that probe sensitive subjects or featuring characters who reject prevailing orthodoxies and values, have published fiction and built successful literary careers on the mainland that would have been unthinkable a generation ago.

Some, like novelist Yan Lianke, who was born in 1958 and grew up during the Cultural Revolution, have achieved both critical and commercial success even though their key works are officially forbidden in China. Yan began his career in 1978 as a writer in the army, when he wrote morale-boosting stories and other propaganda. It was here that he says he realized the true value of literature.⁸² After his first novel, *Xia Riluo*, a satire of two errant People's Army heroes, was banned in 1994, he was forced to write self-criticism for six months. His next novel, while not banned, led to his dismissal from the army, where he held the position of senior colonel. Regardless, it won the prestigious Lao She Literary Award, his third literary award given by the state. After that, Yan could not find a publisher for his next novel, the satirical *To Serve the People* (which tells the story of a love affair between a general's wife and a much younger soldier), which was instead excerpted in the magazine *Flower City* in 2005. Authorities recalled all 40,000 copies of the magazine, generating more interest in the book and pushing it underground. Copies were soon circulating on the Internet.

Another of Yan's novels, *Dream of Ding Village*, was banned the next year for its frank and bleak depiction of life in a region decimated by HIV and AIDS during China's blood-selling scandal of the 1990s. But 80,000 copies of the book had already reached stores and sold out almost immediately, and it, too, continues to circulate in hard copies and via the Internet. Yet despite all three bannings, Yan has not been officially criticized or punished for his writings, unlike Liao Yiwu or Zhou Qing. Sufficiently successful both to be invited and to reject the offer to become an officer of the CWA, Yan largely supports himself through bookstore sales of several widely available books and a university teaching position.

Murong Xuecun (real name Hao Qun), a writer who garnered notoriety for seamy, nihilistic novels featuring young urban antiheroes navigating landscapes of greed and corruption, has become successful while avoiding the CWA altogether. Murong has skillfully played book and Internet publishing against one another, simultaneously submitting to and escaping official censorship. By publishing his first novel, *Leave Me Alone: A Novel of Chengdu*, serially online in 2002, he built a following and demand for a print edition. When he then sold the book, his nervous private publisher forced him to remove 10,000 words—but after the book was released and a commercial success, Murong posted a new, complete version online. He followed the same path in publishing his next three successful novels.

But when Murong moved from fiction to nonfiction, going underground to expose a pyramid scheme preying on rural peasants, he found he had less room to maneuver. As Heping Publishing House was preparing to publish the book, Murong was subjected to what he called "endless negotiation" over critical words and phrases. The edited version first appeared, in serialized form, in Mao's venerable *People's Literature* journal in 2009, and was awarded the magazine's top prize for 2010.

At the award ceremony in Beijing, however, Murong was prevented from delivering his acceptance speech, which was to be a blistering criticism of censorship and self-censorship in China. He pantomimed zipping his mouth shut and walked off the stage instead. Two months later, he delivered the speech at the Hong Kong Foreign Correspondents' Club. Recounting his

absurd debates over specific words and phrases with his editor, he said:

Some people would say that this is just the way things are. My feeling is that I am already close to suffocation. I struggled to choose safe words in a linguistic minefield. It seems that every single Chinese word looks suspicious. I want to say that this not only harms my works, it also harms our language. This is our mother tongue, our great language, the language of the philosopher Zhuangzi and the poets Li Bai, and Su Dongpo and the grand historian Sima Qian. Maybe our grandchildren and the children of our grandchildren will rediscover many beautiful words and phrases that no longer exist. But sadly, even now, we continue to arrogantly proclaim that our language is on the rise. The only speakable truth is that we cannot speak the truth. The only acceptable viewpoint is that we cannot express a viewpoint. We cannot criticise the system, we cannot discuss current affairs, we cannot even mention distant Ethiopia. Sometimes I can't help wondering, Is the Cultural Revolution really over?

Why is contemporary China short of works that speak directly? Because we writers cannot speak directly, or rather we can only speak in an indirect way. Why does contemporary China lack good works that critique our current situation? Because our current situation may not be critiqued. We have not only lost the right to criticise, but the courage to do so; Why is modern China lacking in great writers? Because great writers are castrated while still in the nursery.⁸³

While he was underground researching the scheme, Murong says his social consciousness was awakened.⁸⁴ Still, Murong has so far avoided official censure for his increasingly vocal criticism of censorship and human rights violations in China, and he remains a popular commentator on weibo.

Several other younger writers whose fiction can be both gritty and highly critical of aspects of contemporary Chinese society have published their work without restriction—and as they have done so, like Murong, they have increasingly used their success as a platform to publicly challenge the censorship apparatus.

Popular novelist and champion racecar driver Han Han dropped out of high school to finish his first novel, *Triple Door*, the story of a teen rebelling against a win-at-all cost education

‘Some people would say that this is just the way things are. My feeling is that I am already close to suffocation. I struggled to choose safe words in a linguistic minefield. It seems that every single Chinese word looks suspicious’

system. Though critics and officials fretted that the book “might contribute to social instability,” no move was made to suppress it, and it sold two million copies. His next four books sold millions more. In 2006, he shifted his attention to the Internet, soon emerging as China’s most popular blogger, and he used the new platform to criticize corruption, exploitation, and censorship. In one memorable post, he responded to the news that Liu Xiaobo had won the Nobel Peace Prize—and to official censorship of the news—with a pair of quotation marks surrounding a blank space.

Though his posts are sometimes taken down, it was only when Han Han launched a literary magazine, *Party*, that censors truly moved against him. The first issue of the magazine appeared in July 2010, and within hours it topped Amazon rankings in China and bookstores were jammed with buyers.⁸⁵ Over 1.5 million copies were sold. But six months later, with the second issue printed and ready for distribution, the publisher was ordered to destroy all one million copies. But again, no move was made to rein in Han Han himself, who continues to post stinging critiques both of the government and his fellow citizens. The most notable of these was a series of three cynical blog posts from December 2011 entitled “On Revolution,” “On Democracy,” and “Wanting Freedom,” in which he berates the capacity and

will of the Chinese people to effect change. "The key point is that most Chinese people don't care about the lives of others," he wrote in "On Revolution." "They only holler when they get abused themselves. They will never manage to unify."⁸⁶

While Han Han was widely criticized by Ai Weiwei and others for his bleak view of the Chinese people, that view—that people are out for themselves and largely indifferent to systemic injustice and corruption—actually pervades one of the most popular genres of contemporary novels. Bestseller lists in China are regularly topped by what are known as *Zhichang xiaoshuo*, or workplace novels, whose main characters strive to rise in the often cutthroat business world. The first of these, *Painting*, was published in 1998 by the People's Literature Publishing House. Subgenres include the "financial novel," "the commercial warfare novel," and the "novel of officialdom"—the latter of which specifically features the corrupt business dealings of government officials. State-owned publishers have since shied away following official criticism of *Painting*, but they have grown in popularity among private publishers.⁸⁷

Indeed, many publishers seem to be increasingly emboldened by the very popularity of critical or unflattering works. Perhaps more importantly, writers are becoming sophisticated in navigating the worlds of official, private, and Internet publishing to bring potentially suppressed or censored works to light.

At the time of PEN's 2011 visit to China, the most discussed book in Beijing was *The Fat Years: China 2013*—Taiwanese-born, Beijing-based novelist Chan Koonchung's dystopian exploration of a country whose people are willing to trade everything for economic prosperity, including their memories.⁸⁸

The Fat Years has actually never been published in mainland China. In a 2012 interview, Chan explained, "I always knew it wouldn't be published. It's a sensitive book. No publisher would go near it. They won't even waste their time, so I didn't even try. If I wanted it to be published, I would have written it differently. I would have self-censored myself."⁸⁹ Instead, the novel was published in Taiwan and Hong Kong, and Chan carried 20 copies from Hong Kong to Beijing and distributed them to literary friends. Impressed, those friends

praised the book in blogs and microblogs, and soon the official media was reporting on its Hong Kong publication. Some even published reviews. Before long, versions of the book, some typed and some scanned, were circulating widely on the mainland.

If *The Fat Years* was toxic to mainland publishers, the author himself clearly was not: Chan, who lives in Beijing, subsequently signed with a Chinese publishing house to release a mainland edition of an earlier novel, and he continues to write without government interference. "So far the Chinese authorities have not come to me," he wrote in a February 2012 piece in *The Huffington Post*. "In China, whether you are a dissident or not is ultimately not up to you but up to the state. When the state begins to persecute you, you are labeled a dissident. Until then, you are just someone who is exercising your constitutional rights—yes I mean the current Constitution of the Chinese People's Republic—to free expression."⁹⁰

Zhu Yufu, a poet and member of Independent Chinese PEN Centre, found himself labeled a dissident back in 1999, when he was first imprisoned for seven years for "subversion of state power." He spent another two years in prison beginning in 2007. Undeterred despite the constant surveillance and harassment that attend the life of dissident writers in China, in March 2011, at the height of the Jasmine crackdown, Zhu Yufu released a poem called "It's Time," which called on his fellow citizens to stand up for their rights.⁹¹ He was arrested again, and in February 2012, almost a year later, Zhu was sentenced to seven years in prison for "inciting subversion of state power." The verdict cited his poetry.

For Liu Futang, a former forestry official turned environmental activist who has campaigned against deforestation, retribution came unexpectedly. In April 2012, he won the China Environmental Press Awards Prize, co-sponsored by *The Guardian*, Chinadialogue, and Sina. Less than three months later, he was arrested while hospitalised for high blood pressure and diabetes, and on 19 September 2012, he was charged with "conducting illegal business" for printing several environmental books without a license.

Liu reportedly spent \$30,000 of his retirement savings to publish his environmental exposés, and gave away most of the copies. His goal,

he said, was to spread knowledge about environmental protection. He had no intention of selling the books. His latest book, *The Tears of Hainan II*, which highlighted a project to build a coal-fired power plant in Yinggehai that met fierce resistance from residents, is thought to have been the catalyst that led to his arrest. At a hearing on 11 October 2012, prosecutors claimed that Liu published his books without going through proper publishing houses and procedures, and by allegedly purchasing a Hong Kong ISBN, had breached regulations banning the trade of ISBNs. On 5 December 2012, Liu, who was reportedly in extremely poor health, was convicted and handed a three-year suspended sentence and a 17,000 yuan (US\$2700) fine. He was released later that day.

Poet Li Bifeng was treated even more harshly. Arrested in September 2011, Li was held for over a year before he was brought to trial for “contract fraud”—a charge believed to be a politically-motivated cover to punish the writer for his relationship with Liao Yiwu, who escaped from China two months before Li’s arrest. On 12 November 2012, Li Bifeng was sentenced to 12 years in prison.

On 10 December 2012, Mo Yan became the first citizen of the People’s Republic of China to receive the Nobel Prize for Literature. The announcement of the award ended two years of Chinese government denunciations of the Nobel process and prizes following the decision to award Liu Xiaobo the 2010 Nobel Peace Prize. CCP propaganda chief Li Changchun wrote a letter to the China Writers Association hailing the prize, saying “Mo’s victory reflects the prosperity and progress of Chinese literature, as well as the increasing national strength and influence of China.” In that letter, Li, who leads the country’s vast media censorship apparatus, used the occasion to exhort Chinese writers to “focus on the country’s people in their writing and create more excellent works that will stand the test of history, thus contributing more to the prosperity and development of Chinese culture, as well as the progress of human civilization.”⁹²

Mo Yan’s official Nobel lecture, which he delivered in Stockholm on 7 December 2012, made no mention of China’s systematic censorship. When Mo Yan referred to the subject briefly, during a public interview the day before the lecture, he offhandedly compared censorship to airport security: like airport checks, it is for the

people’s protection and security, he suggested. “Mo said he doesn’t feel that censorship should stand in the way of truth but that any defamation or rumors, ‘should be censored,’” the AP reported. Through an interpreter, he added, “But I also hope that censorship, per se, should have the highest principle.”⁹³

In his interviews in Stockholm, Mo Yan skirted questions about Liu Xiaobo, China’s other Nobel laureate. He asked his audience not to press him on the subject, saying “On the same evening of my winning the prize, I already expressed my opinion, and you can get online to make a search.” He is right—for those living outside China. A Google search, for example, will net a host of articles about Mo Yan’s statement to reporters at a press conference he gave the day after the prize was announced, when he reportedly said,

*I read some of his writings on literature in the 1980s...later, after he left literature and turned to politics, I haven’t had any contact with him, and I don’t understand much of what he has been doing since then. I now hope, though, that he can get his freedom as soon as possible—get his freedom in good health as soon as possible—and then be able to study his politics and study his social systems as he likes.*⁹⁴

However, in China, where Google’s search engine is blocked and all references to Liu Xiaobo are banned, Mo Yan’s fellow citizens, typing into domestic search engines after the Stockholm interview, have no way of finding the expression of opinion to which he was referring.

Never-Ending, Hidden Rules

By Dai Qing

Translated by Scott Savitt



I never celebrated my birthday when I was growing up, so I haven't really given birthdays a lot of thought later in life. But last year, a group of young friends graciously and unexpectedly offered to make up for a lifetime's worth of deprivation of this pleasure by throwing me a birthday party. This caused a bit of a ruckus, attracting a serious, forbidding warning from the police.

The hard-fought negotiations ended with the young people compromising on the party's size, only to have the police impose one further condition. "There has to be one government official in attendance," they were told. "She has so many old acquaintances who have government posts; any one will do."

When my friends relayed the message to me, I did a quick mental inventory: old classmates... young playmates... I told my young friends, "There are only two officials I still have contact with: Old Ma, who guarded me in the Haidian district when I was in college, and Xiao Liu, who has been watching me since I moved to Shun Yi."

For 65 years, from the time I started primary school and began "making contact with society," I've been accumulating a galaxy of sparkling contacts: politicians, businesspeople, artists... But nothing can overcome the two characters of my name, "Dai Qing," which since the tanks drove down Chang'an Avenue have come to mean "Plague for Officials." Anyone with a government title, no matter how small or insignificant, and anyone who benefits from dealings with the government, avoids me like the plague.

Other than an official identity as a "Beijing resident," Dai Qing is nothing in her motherland. I remember once having to fill in my identity on an application form. I wrote "unemployed," which is the simple truth. The police threw the form back at me, saying, "That's so unpleasant! There are so many other choices. Just pick anything."

Anything? I can't work as a reporter anymore. As for writing books, my life's cause and my living, all I have for the past 22 years is an empty sigh of grief. Not because I have nothing to write; just because in China, all books need an ISBN number to be sold in bookstores, and to this day these troublesome things are controlled by publishers who work for the state and eat the emperor's rice. Nobody is going to risk losing his fat job to publish a book by Dai Qing.

And just how big is the risk? Doesn't everyone enjoy the protection of Article 35 of the Chinese constitution?⁹⁵

Several years ago, I translated *The Wages of Guilt: Memories of War in Germany and Japan*, by the Dutch writer Ian Buruma. Through the good offices of a go-between, the Chinese Academy of Social Sciences Publishing House accepted it for publication. But how to credit the translation? I insisted on my right to be identified. My go-between told me, "This puts the publisher in a very difficult position." I asked the publisher to show me the regulation saying the name Dai Qing cannot appear in a published book. Is it a publishing law? Criminal laws? Some unpublished regulation? A telephone warning? I said if he couldn't cite a regulation, I would have to conclude it was his own decision, and I would send my lawyer to see him.

This message was communicated. The book went to print. The freshly-published book arrived in the mail. I looked through it from cover to cover, title page to spine; I finally found the two characters "Dai Qing" in tiny six-point font on the third page. A few days later, the editor of the book review section of the *Southern Weekend* newspaper sent me a copy of the book with the note, "This book isn't bad. I'm hoping Teacher Dai can review it." I ended up asking my go-between to relay this exchange to the publisher, and to underscore this: you published the book with

the two characters Dai Qing in it, and there has been neither flood nor earthquake—nor have you been stricken with the plague.

In 2010, my book *In the Palm of the Tathagata Buddha: Zhang Dongsun and His Era* was published in Hong Kong. A very successful agent was eager to publish a mainland edition. He knew that in the past I had used my mother's pre-revolutionary name "Ke Rou" to edit Zhang Dongsun's *Essays on Academics and Thinking*. Should we use this old person's name again? I said fine. He went on to ask if we could "remove some sensitive words and paragraphs." I again gritted my teeth and agreed. A few months passed, then a few years. Multiple photocopied versions of the book were distributed on university campuses. But still nobody will publish it, even under the name of a retired senior official.

Luckily, Mainland China is now practicing a "market economy with socialist characteristics." A publishing industry where "the author takes sole responsibility for the content of the publication" is booming, an industry where you don't need an ISBN or official reviews, and all you need is money. Unable to throw a birthday party for me, the young people collected money, bought an "author takes sole responsibility for the content of this publication" permit, and printed the *Selected Works of Dai Qing* as a birthday gift. Mr. Mao Yushi, who is listed as China's "most wanted traitor" on a Maoist website, calligraphed the title of the book.

What police want to control these days is people taking to the streets and pressing petitions. As for writing and printing books, it depends. About a thousand copies of my *Selected Works* made their way to readers, even some policemen. My young friends made a special bookmark for the book, too. In the upper part a Han Dynasty figure (very much resembling Deng Xiaoping) holds up a sign that reads "In Memory of the

What police want to control these days is people taking to the streets and pressing petitions.

Violent Suppression of 1989," and the lower part has one of my self-ironic couplets. At 70, I should be enjoying the life of a senior citizen; as Confucius wrote: when you're 70, do as you please, as long as it doesn't break the rules. But I was born 2,500 years too late; I embody the cultural atmosphere of the "People's Republic," with all its hidden rules. And so the couplet goes like this: "With an indomitable spirit, she breaks some rule every day." The streamer for the couplet reads: "hard to live these days at 70."

This is the space for freedom of expression in today's China. Compared to the Campaign to Suppress Counterrevolutionaries of 1952, the Anti-Rightist Campaign of 1957, and the Cultural Revolution of the mid-1960s, it's much better now: writers have enough food to eat, an apartment to live in, a car to drive, and all it takes is a click of the mouse to send their articles around the globe.

Dai Qing is a journalist, author, and activist whose works have been banned in mainland China since the Tiananmen Square protests of 1989.

Conclusions and Recommendations

On 6 December 2012, two AP reporters in Beijing managed to get past the network of guards and surveillance that has kept Liu Xiaobo's wife, Liu Xia, cut off from the world for more than two years, and gave the world a startling glimpse of the cost of China's increasingly vindictive suppression of its leading dissident voices. Their video of Liu Xia, at home in her apartment, shows a shaken and at times overwhelmed figure who at first appears unable to believe she is face-to-face with visitors. During the subsequent interview, Liu Xia revealed that she was barred from visiting Liu Xiaobo in prison for a year after the announcement, but that she is now allowed to make the trek to Jinzhou Prison, some 280 miles away, once a month. As of this publication, still deprived of phone and Internet, she remains cut off from the outside world but for trips to buy groceries and weekly visits with her parents.

"I felt I was a person emotionally prepared to respond to the consequences of Liu Xiaobo winning the prize," she told the reporters. "But I really never imagined that after he won the prize, I would not be able to leave my home. This is too absurd. I think Kafka could not have written anything more absurd and unbelievable than this."

Liu Xia has not been tried or accused of any crime. Rather, her arbitrary, incommunicado house arrest is censorship in its most inhumane, physical form, aimed at preventing a spouse from telling the story of her imprisoned

husband's ordeal to her fellow citizens and to the world. Rings of human and technological surveillance have been constructed around her to keep her from speaking, and a Great Firewall has been built to keep her fellow citizens and the world from hearing what she, her husband, and a brave and beleaguered community of their colleagues have to say..

Yet China is changing. Much of what these writers and their families would say—about the arbitrary exercise of power, about violations of basic rights, about shortcomings in China's political and economic systems, about human nature and the hunger for basic freedoms—is now being said every day in every part of this vast country, not just behind closed doors, but in the new agoras of digital media and even in the halls of privilege and power. It is being said by ordinary citizens and by writers, journalists, bloggers, and microbloggers, all of whom, in their own way, are fulfilling the exhortation of former CCP Propaganda Chief Li Changchun to "focus on the country's people in their writing."

Given the chance to write and publish freely, and freed from fear of punishment or retribution for what they write, there is little doubt that China's current, emerging, and future writers could "create more excellent works that will stand the test of history" and contribute "to the prosperity and development of Chinese culture, as well as the progress of human civilization."

Recommendations

PEN International therefore calls on the government of the People's Republic of China to:

1. Restore and protect the right of all writers, journalists, and bloggers in China to exercise their right to freedom of expression as guaranteed by the Chinese constitution and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) by:

- Immediately and unconditionally releasing Liu Xiaobo from prison and Liu Xia from extralegal house arrest.
- Immediately and unconditionally releasing Independent Chinese PEN Centre (ICPC) members Shi Tao, Yang Tongyan, and Zhu Yufu, and all other writers, journalists, and bloggers listed in this report who are currently imprisoned or detained, either in detention facilities or in residential confinement, in violation of their right to freedom of expression.
- Ending all forms of surveillance and harassment of writers, journalists, and bloggers in China. This includes but is not limited to: dismantling surveillance cameras placed outside the homes of dissident writers; removing guards who are posted outside and inside the homes of writers under house arrest or surveillance; terminating all electronic surveillance including monitoring cell phone conversations, text messages, and email messages; and ending the practice of informal questioning and warnings by police against writers.
- Instituting legal reforms that will end the imprisonment and extralegal detentions of writers for the exercise of their legitimate right to freedom of expression, including:
 1. Immediately banning the use of enforced disappearance, house arrest, and all other forms of detention without trial or due process;
 2. Ending the use of administrative sentences including “residential surveillance” and “reeducation through labor”;

3. Amending China's criminal code—particularly Article 105 on “subversion,” Article 111 on “state secrets,” and Article 103 on “splittism” against writers—to ensure that these provision do not penalize the practice of peaceful freedom of expression.

2. Respect and protect the right of Chinese citizens to a free and independent press, as guaranteed under Article 19 of the ICCPR, and guarantee the right of Chinese and international journalists to practice their profession without fear of persecution, by:

- Ending censorship of print, digital, and broadcast media and dismantling government structures and offices that carry out press censorship and otherwise exert pressure on the press.
- Allowing full media access to so-called “sensitive areas” including Tibet and the Xinjiang Uighur Autonomous Region, and allowing domestic and international journalists unfettered access to these regions and peoples.
- Encouraging and fostering the establishment of private, independently-owned media outlets that operate free of governmental interference.

3. Respect and protect the right of writers and publishers in China to publish without fear of reprisals or government interference, and foster the creation of domestic and internationally-treasured literature and the growth of a world-class publishing industry, by:

- Ending systematic censorship and book bannings;
- Stopping post-publication retributions against publishers and editors who publish disfavoured material, including firings, harassment, closures, and the denial of new ISBN numbers;
- Relinquishing state control of ISBNs and creating a fully independent agency that allows both state-controlled and independent publishers equal and unfettered access to ISBNs.

4. Uphold the right of all Chinese citizens to exercise fully their right to freedom of expression under Chinese and international law by:

- Ending Internet censorship and the blocking or suppression of all digitally transmitted information to which access is guaranteed under international standards of freedom of expression;
- Ceasing all surveillance of digital communications. This includes but is not limited to state monitoring of emails, Skype conversations, SMS and text messages, and microblog and blog content.

5. Protect the fundamental right of ethnic minorities and all who are living in so-called “sensitive regions” to full freedom of expression by:

- Abandoning the practice of shutting down the Internet in certain regions, including Tibet and the Xinjiang Uighur Autonomous Region, during periods of unrest;
- Respecting the linguistic rights of Tibetans, Uighurs, Mongolians, and all minorities, as well as their right to cultural expression including freedom of assembly and freedom of religion.

6. Ensure the vitality and reach of China's languages and literatures, and the international stature, influence, and impact of its literatures and other cultural exports, by:

- Altering its approach to international book fairs and other cultural events overseas, demonstrating a tolerance for diverse and independent voices and opinions in conversations about the country;
- Lifting travel bans and restrictions on dissidents and other disfavored writers and ensuring that all China's writers, journalists, and bloggers can travel freely outside China;
- Ending visa denials for international writers, journalists, and scholars and ensuring that visiting writers, journalists, and scholars can travel freely inside China.

To encourage positive action by the Chinese government on the above recommendations, we call on the international community to:

1. Use every opportunity and all available diplomatic means to press for the release of Liu Xiaobo, Liu Xia, and all writers, journalists, and bloggers currently in prison or in detention in China in denial of their right to freedom of expression;
2. Officially protest all attacks and restrictions on domestic and international journalists working in China and demand conditions for domestic and international media workers that meet accepted international standards.
3. Support and foster private and joint-venture traditional and new media outlets and publishing houses and demand full freedom of expression protections for all international and joint-venture media and publishing operations in China.
4. Reject requests by Chinese publishers to censor, alter, or adapt the content of international publications for Chinese editions.
5. End all government and private sector complicity with, support for, or facilitation of censorship and surveillance organs and technologies and press the Chinese government to adopt and comply with emerging international norms guaranteeing the digital freedom of all citizens.
6. Foster and engage in an energetic, open, and free exchange of literature and ideas that includes welcoming a full range of Chinese voices, including those who are currently barred from official delegations and those who are currently forced to live in exile.
7. Celebrate and encourage the growing richness and diversity of discourse in Chinese literature, traditional media, and new media by expanding opportunities for Chinese writers, journalists, and bloggers to have their work translated and published outside of China.

Endnotes

1. Michael Wines, "As China Talks of Change, Fear Rises on the Risks," *The New York Times*, July 17, 2012, available at <http://www.nytimes.com/2012/07/18/world/asia/as-china-talks-of-change-fear-rises-on-risks.html?pagewanted=all>
2. See, e.g., "Failing to Deliver: An Olympic-Year Report Card on Free Expression in China," <http://www.pen.org/failing-deliver-olympic-year-report-card-free-expression-china>, and "Beyond the Olympics: The Freedom to Write in China, After the Spotlight," <http://www.pen.org/beyond-olympics-freedom-write-china-after-spotlight>
3. <http://www.nytimes.com/2001/07/14/sports/olympics-beijing-wins-bid-for-2008-olympic-games.html?pagewanted=all&src=pm>
4. See "Beyond the Olympics: The Freedom to Write in China, After the Spotlight," <http://www.pen.org/downloads/documents/endofcampaign.pdf>
5. The December 23, 2009 verdict against Liu Xiaobo noted that as of December 9, 2009, 10,390 people had signed Charter 08.
6. For example, on March 31, 2009, ICPC Vice President and Charter 08 signer Jiang Qisheng was detained and interrogated about Tiananmen, for which he had been imprisoned after the June 4 crackdown, Charter 08, and Liu Xiaobo. While he was detained, police searched his home, confiscating three computers, bank cards, books, notebooks, and manuscripts, and cut off his family's landline. His wife was ordered to hand over her mobile phone. Jiang was held for seven and a half hours before he was released and warned.
7. "Residential surveillance" permits authorities to hold a detainee in a designated location of the government's choice. For more information, see Appendix A (p57).
8. <http://www.guardian.co.uk/world/2010/oct/07/nobel-peace-prize-liu-xiaobo>
9. <http://www.theglobeandmail.com/news/world/jailed-dissidents-nobel-peace-prize-infuriates-china/article1750923/>
10. <http://chinadigitaltimes.net/2010/10/new-directives-from-the-ministry-of-truth-october-8-2010-re-liu-xiaobo-wins-nobel-peace-prize/>
11. http://www.msnbc.msn.com/id/39588135/ns/world_news-asia_pacific/t/nobel-peace-prize-winners-wife-has-disappeared-lawyer-says/#.T-S_w5FEH0Q
12. <http://edition.cnn.com/2010/LIVING/10/08/nobel.peace.prize.win/>
13. <http://www.theglobeandmail.com/news/world/jailed-dissidents-nobel-peace-prize-infuriates-china/article1750923/>
14. <http://www.guardian.co.uk/world/2010/oct/10/intellectuals-detained-nobel-celebration>
15. <http://online.wsj.com/article/SB10001424052702304410504575561062497960740.html>
16. <http://www.nybooks.com/blogs/nyrblog/2010/oct/18/turning-point-long-struggle-chinese-citizens-defen/>
17. In May 2011, the U.N. Working Group on Arbitrary Detention found that because Liu Xia was not informed of the reasons for her detention or any charges against her, and that although the Chinese government has insisted that "no legal enforcement measure has been taken against Ms. Liu Xia," she is clearly confined to her home and has not been allowed contact with the public since October 2010, she is being arbitrarily detained in violation of her right to freedom of expression under Article 19 of the Universal Declaration of Human Rights (UDHR).

The Working Group made a similar decision on Liu Xiaobo's case, concluding that he, too, had been arbitrarily detained on a number of counts, including during his initial detention, which was in violation of Article 9 of the UDHR. The panel called the trial itself a "breach of fairness" for the 14 minutes Liu was given to defend himself in court in violation of Article 10 of the UDHR, and notes that the indictment and verdict against him lean heavily on his writings in violation of Article 19.
18. http://www.nytimes.com/2010/12/10/world/asia/10china.html?_r=1
19. <http://www.mcclatchydc.com/2010/12/10/105084/liu-xiaobos-nobel-peace-prize.html>
20. <http://www.bbc.co.uk/news/world-asia-china-16625119>
21. After continued harassment, house arrest, round-the-clock surveillance, and warnings that he could face jail time for publishing his books abroad, including one he was writing about Liu Xiaobo, Yu Jie left China with his family in January 2012. He now resides in Virginia.
22. <http://www.guardian.co.uk/world/2011/feb/21/china-lawyer-beaten-protest>
23. <http://cpj.org/2011/02/china-detains-censors-bloggers-on-jasmine-revoluti.php#more>
24. <http://cpj.org/2011/02/foreign-journalists-detained-during-chinas-jasmine.php>
25. <http://www.motherjones.com/mojo/2011/02/whats-happening-with-china-jasmine-revolution>
26. <http://www.guardian.co.uk/world/2011/feb/27/china-jasmine-revolution-beijing-police>
27. <http://cpj.org/2011/02/foreign-journalists-detained-during-chinas-jasmine.php>

28. <http://www.amnesty.org/en/news-and-updates/detained-chinese-activist-wang-lihong-goes-trial-2011-08-12>
29. <http://www.freetibet.org/newsmedia/students-protest-language-rights>
30. <http://www.rfa.org/english/news/tibet/fired-06062012154114.html?searchterm=Language%percent20protests>
31. PEN International's Girona Manifesto on Linguistic Rights, ratified by the PEN International Assembly of Delegates at the 77th Congress in September 2011, states that "Every linguistic community has the right for its language to be used as an official language in its territory," and "[s]chool instruction must contribute to the prestige of the language spoken by the linguistic community of the territory. See Appendix D on page 59 for the full Manifesto
32. <http://www.sftuk.org/tibetan-renaissance-hero-4-year-sentence/>
33. <http://www.savetibet.org/resource-Centre/maps-data-fact-sheets/self-immolation-fact-sheet>
34. On November 3, 2011, Maria Otero, Under Secretary for Democracy and Global Affairs noted that "Over the last year, Tibetans who peacefully expressed disagreement with government policy faced increased risk of punishment, as the Chinese government continued to criminalize such expression under the guise of 'safeguarding social stability... Government security and judicial officials detained and imprisoned Tibetan writers, artists, intellectuals, and cultural advocates who lamented or criticized government policies."
35. <http://www.guardian.co.uk/world/2012/feb/12/tibets-acts-self-immolation-china>
36. <http://www.mcclatchydc.com/2012/02/14/138867/rare-visit-to-remote-chinese-region.html>
37. <http://www.hrw.org/node/108877>
38. <http://www.nytimes.com/2010/08/21/world/asia/21china.html?pagewanted=all>
39. <http://www.rfa.org/english/news/uyghur/ilham-tohti-03052013160430.html>
40. <http://www.rfa.org/english/news/uyghur/internet-05192010113601.html>
41. <http://www.hrw.org/news/2009/07/09/behind-violence-xinjiang>
42. Congressional-Executive Commission on China, 2011 Annual Report, p201
43. <http://www.rfa.org/english/news/uyghur/language-10272010181614.html>
44. PEN International's Declaration on Digital Freedom, adopted by the PEN Assembly of Delegates at the 78th Congress in Gyeongju, South Korea, in September 2012, states that "All persons have the right to express themselves freely through digital media without fear of reprisal or persecution; all persons have the right to seek and receive information through digital media; and all persons have the right to be free from government surveillance of digital media." See Appendix E on page 60 for the full Declaration.
45. "Long Live the Internet," *No Enemies, No Hatred*, p 203 Liu Xiaobo Jan 2012 pub Harvard University Press ISBNxxx
46. <http://www.opendemocracy.net/article/china-s-civil-society-breaching-the-green-dam>
47. <http://www.guardian.co.uk/world/2009/jun/16/china-backs-down-censorship-software>
48. http://articles.nydailynews.com/2009-06-22/news/17925149_1_green-dam-web-users-chinese-government
49. <http://www.bbc.co.uk/news/10614674>
50. <http://www.nytimes.com/2010/01/13/world/asia/13beijing.html?pagewanted=all>
51. James Glanz and John Markoff, "Vast Hacking by a China Fearful of the Web," *The New York Times*, December 4, 2010, available at <http://www.nytimes.com/2010/12/05/world/asia/05wikileaks-china.html?pagewanted=all>. Cables available at <http://techcrunch.com/2010/12/04/wikileaks-china-google-cables/>
52. See <http://googleblog.blogspot.com/2010/01/new-approach-to-china.html>
53. See <http://googleblog.blogspot.com/2010/03/new-approach-to-china-update.html>
54. <http://www.csmonitor.com/World/Asia-Pacific/2012/0226/Weibos-China-clamps-down-on-popular-microblogs>
55. <http://www.nytimes.com/2011/07/29/world/asia/29china.html?pagewanted=all>
56. <http://www.reuters.com/article/2011/07/25/us-china-train-censorship-idUSTRE76O1IG20110725>
57. <http://www.nytimes.com/2011/07/29/world/asia/29china.html?pagewanted=all&r=0>
58. <http://www.nytimes.com/2011/07/29/world/asia/29china.html?pagewanted=all>
59. <http://www.nytimes.com/2011/08/01/world/asia/01crackdown.html>
60. http://www.nytimes.com/2011/07/29/world/asia/29china.html?_r=1&pagewanted=all
61. <http://www.nytimes.com/2011/12/29/world/asia/design-flaws-cited-in-china-train-crash.html>
62. http://articles.cnn.com/2011-06-23/world/aiweiwei.release.china_1_web-censorship-internet-censorship-chinese-bloggers?_s=PM:WORLD
63. <http://hyperallergic.com/40669/ai-weiwei-on-chinese-social-media/> and <http://www.5min.com/Video/Chinese-Go-Nude-in-Support-of-Ai-Weiwei-517211378>

64. The meme, a term first coined by evolutionary biologist Richard Dawkins, can be defined as a basic unit of cultural transmission or imitation. Internet memes spread from person to person, are often imitated or mutated along the way, but often retain a similar theme. Memes are seen as a highly an incredibly effective way to spread ideas and mobilize the grassroots community.
65. <http://www.theatlantic.com/technology/archive/2012/07/a-tale-of-two-memes-the-powerful-connection-between-trayvon-martin-and-cheng-guangcheng/259604/>
66. <http://www.nytimes.com/2011/10/19/world/asia/despite-violence-chinese-dissidents-emboldened-supporters-stream-to-see-him.html?pagewanted=all>
67. <http://www.guardian.co.uk/commentisfree/2011/nov/11/cheng-guangcheng-china-visit>
68. <http://www.ft.com/intl/cms/s/0/e995b7aa-6201-11e1-807f-00144feabdc0.html#axzz2151ewFmA>
69. <http://digicha.com/index.php/2012/04/sina-admits-it-has-not-complied-with-weibo-real-name-registration-rules/>
70. <http://blogs.wsj.com/chinarealtime/2012/05/29/censorship-3-0-sina-weibos-new-user-credit-points-system/>
71. http://www.marxists.org/reference/archive/mao/selected-works/volume-3/mswv3_08.htm
72. http://news.xinhuanet.com/english2010/china/2011-11/22/c_131263326.htm
73. 2012 Granta interview with Mo Yan: <http://www.granta.com/New-Writing/Granta-Audio-Mo-Yan>
74. <http://rendezvous.blogs.nytimes.com/2012/10/12/the-writer-the-state-and-the-nobel/>
75. See Dai Qing's essay on page
76. <http://www.nytimes.com/2011/11/07/world/asia/murong-xuecun-pushes-censorship-limits-in-china.html?pagewanted=all>
77. <http://www.pen.org/blog/?p=2729>
78. See Liao Yiwu's essay on page 18
79. <http://www.guardian.co.uk/books/2012/apr/13/london-book-fair-china-censorship?>
80. That meeting provided a vivid and sobering illustration of the severe restrictions on freedom of movement and freedom of association many writers face. Of fourteen writers invited to attend the "Roundtable on Freedom of Expression" with the PEN delegation and US Chargé D'Affaires Robert Wang, only three were able to attend; at least five of the invitees received visits from the *guobao* security police specifically warning them not to attend the meeting. Invitations were issued exclusively by the US embassy, and advance knowledge of the meeting could only have come through monitoring the telephone and email accounts of the invited guests, embassy officials, or both.
81. http://www.danwei.org/state_media/china_writers_association_what.php
82. <http://www.theage.com.au/news/in-depth/a-pen-for-the-people/2007/07/27/1185339246966.html#>
83. <http://fcchk.org/event/2011-02-22-fcc-club-lunch-murong-xuecun>
84. <http://publishingperspectives.com/2012/02/chinas-murong-xuecun-balancing-between-censorship-and-dissent/>
85. The first eclectic issue of *Party* contained a radiological scan of Ai Weiwei's brain after he received treatment for a brain injury he sustained during a beating by police. "The Han Dynasty," Evan Osnos, *The New Yorker*, July 4, 2011
86. <http://www.cityweekend.com.cn/beijing/articles/blogs-beijing/expat-life/bad-boy-blogger-han-han-on-revolution-democracy-and-freedom1/>
87. http://www.newyorker.com/reporting/2012/02/06/120206fa_fact_chang
88. <http://io9.com/5600012/the-dystopian-novel-thats-turning-china-upside-down>
89. <http://blogs.wsj.com/scene/2012/02/13/brave-new-beijing-dystopian-novel-looks-into-chinas-future/>
90. http://www.huffingtonpost.com/chan-koonchung/book-banned-china_b_1211552.html
91. <http://www.raggedbanner.com/ZYF/Time.html>
92. Letter quoted in Appendix 1 at <http://www.hrichina.org/content/6440>
93. Louise Nordstrom, "Chinese Nobel Winner: Censorship a Must," AP, December 6, 2012, available at <http://bigstory.ap.org/article/nobel-literature-winner-says-censorship-necessary>
94. See, e.g. Michael Martina and Maxim Duncan, "Chinese Nobel Winner Mo Yan calls for jailed laureate's freedom," Reuters, October 12, 2012, available at <http://www.reuters.com/article/2012/10/12/us-china-moyan-idUSBRE89B0FJ20121012>; also, Perry Link, "Does this Writer Deserve the Prize," *The New York Review of Books*, December 5, 2012, available at <http://www.nybooks.com/articles/archives/2012/dec/06/mo-yan-nobel-prize/?pagination=false&printpage=true>
95. "Article 35. Freedom of speech, press, assembly: Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration."
96. <http://www.cecc.gov/pages/virtualAcad/exp/expsecurity.php>
97. http://www.duihuahrjournal.org/2012_03_01_archive.html
98. http://www.nytimes.com/2010/03/22/world/asia/22banned.html?_r=2&scp=30&sq=china+internet&st=nyt
99. <http://www.guardian.co.uk/world/2011/aug/02/china-surveillance-cameras>

Appendix A

Commentary on structural impediments to freedom of expression

International Covenants

Article 19 of the International Covenant on Political Rights states:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
4. For respect of the rights or reputations of others;
5. For the protection of national security or of public order (ordre public), or of public health or morals.

The People's Republic of China signed the covenant in 1998, but has yet to ratify it.

Constitution

Article 35 of the Chinese Constitution states "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration." These freedoms, however, are severely curtailed in further articles, most pointedly when they infringe on the interests of the state—a rather vague catch-all concept that can prevent speech that the state simply does not like, however subjective that may be. The government uses a number of measures to keep this speech in check.

Laws

- **Subversion**

The widest net used to catch writers whose speech is not consistent with the views of the government is Article 105 of China's Criminal Code—the subversion laws.

Paragraph 1 of Article 105 lays out the crime of outright subversion, stating that:

Among those who organize, plot or carry out acts to subvert the state power or overthrow the socialist system, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10

years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

This charge is reserved for those linked to an organization and thus is the less widely used clause against writers. Since the end of the Olympics, three have been convicted of subversion.

"Inciting subversion," is the charge more directly linked to writing, and it has been used to claim that a writer, such as Liu Xiaobo, urged the populace to rise up and subvert the state. Paragraph 2 of Article 105 reads:

Whoever incites others by spreading rumors or slanders or any other means to subvert state power or overthrow the socialist system shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; and the ringleaders and the others who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Since the end of the Olympic Games, 10 writers have been convicted of "inciting subversion."

- **State secrets**

A less widely used but sometimes more serious charge deals with state secrets. Article 111 of the Criminal Code prohibits stealing, collecting, purchasing, or illegally providing state secrets or intelligence to an organization, institution, or personnel outside the country.⁹⁶ Four writers have been convicted of disclosing state secrets or holding state secrets since the end of the Olympics. Because of the crackdown on information in minority regions, for example, three of those are Tibetan and Uighur writers.

- **Splittism or Separatism**

Tibetan and Uighur writers have also been victims of the charge of "splittism." Like the subversion clause, Article 103 divides the crime into "splittism" and "inciting splittism." Paragraph one states:

Among those who organize, plot or carry out the scheme of splitting the State or undermining unity

of the country, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Paragraph two, detailing the parameters of "inciting splittism," states:

Whoever incites others to split the State or undermine unity of the country shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; the ringleaders and the ones who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Before the Olympics, a Han Chinese writer, Chen Daojun, was charged with "inciting splittism" following the publication of an article after the 2008 Tibetan protests defending Tibetans' basic rights and condemning the Chinese government's violent crackdown on protesters. The charge was later dropped, however, and Chen was instead convicted of "inciting subversion of state power" in November 2008. Since the Olympics, six writers have been convicted of "inciting splittism" or inciting separatism"; one has been convicted of "separatism."

- **Criminal defamation**

The use of criminal defamation has also been on the rise as a way to silence dissent, usually via the Internet, generally on the local level. Social media's platform for criticism has, in some cases, embarrassed local officials, who, increasingly, are bringing their critics to court, claiming that they were defamed and that this defamation caused "serious social harm." A conviction on the charge yields up to three years in prison.

Administrative Laws

- **Residential surveillance**

"Residential surveillance," under which Liu Xiaobo was held for more than six months, permits authorities to hold a detainee in a designated location of the government's choice—not necessarily in their own homes, as the name makes it seem. Detainees can be held for up to six months. Authorities must present paperwork to the detainee's family explaining that he is being held under residential surveillance. In Liu Xiaobo's case, his wife reportedly did not receive a detention order, making his detention illegal under Chinese law.

- **Reeducation through labor**

Under administration detention laws, police, under their public security bureaus, can bypass the court system altogether and sentence individuals to one to three years of "reeducation through labor," or RTL. In RTL camps, prisoners are typically subjected to patriotic reeducation. Though these detentions are often reserved for those accused of minor crimes such as gambling and prostitution, RTL has been used against writers as well. Liu Xiaobo was also a victim, from 1996 to 1999, after he called for dialogue with the Dalai Lama of Tibet. Since 2008, two writers have been sentenced to RTL.

Extralegal Measures

- **House Arrest**

House arrest has become increasingly common. Sometimes the house arrest might last for days, other times, months, even years. Chen Guangcheng, the Beijing-based Tibetan poet Woesser, Independent Chinese PEN Centre member Yu Jie, and Liu Xiaobo's wife Liu Xia have all been victims of illegal house arrest. In more lenient instances, the individual still has access to the Internet and/or the phone. In others, like in the case of Liu Xia, the detainee is completely cut off from the rest of the world.

- **Enforced disappearance**

In 2011, after calls for "Jasmine" protests, many writers, lawyers, and dissidents also became victims of enforced disappearance—a practice

also illegal and that has allowed a high level of abuse. Detainees who have been released later spoke of torture, sleep deprivation, beatings and other abuse. Artist Ai Weiwei and lawyer Teng Biao were among the victims of enforced disappearance.

Because these measures fall outside of the legal system, authorities have resorted to plausible deniability. For example, authorities claim that Liu Xia, since she is not on the books as being detained, is free to meet with visitors. Yet anyone who tries to visit her is turned away.

In March 2012 the National People's Congress debated new provisions to the criminal procedure law—one of which would have legalized enforced disappearance without notifying the families of detainees. After an unprecedented outpouring of opposition, both internationally and domestically, some of the disappearance clauses were removed. On 14 March, the new laws were passed. Authorities can now bypass notification when a detainee suspected of a state security crime or terrorism is placed under criminal detention—rather than administrative detention—and "notification has the potential to interfere with the investigation." This detention can last up to 37 days.⁹⁷

Censorship

- **Internet**

The Chinese government employs more than 40,000 people to police the Internet. They monitor content, removing blogs, pages, and microblog posts containing "sensitive" words. These include "June 4," "Dalai Lama," "Liu Xiaobo," and "dictatorship." The list grows as netizens evolve their online vernacular to bypass the censors by using cryptic code words until they are discovered and then stamped out by the Internet police.

Search engines are also highly censored. Foreign Internet companies are only allowed to operate in the country if they censor their searches.

Social networking sites such as Facebook, Twitter, and YouTube are blocked. Many human rights organizations, such as Human Rights Watch, Amnesty International, and PEN International, and many of its centres including PEN American Center and the Independent Chinese PEN Centre, have also been blocked within China.

- **Press**

The Central Propaganda Department has a tight hold on official media and all other arms of traditional media in China. State-run news outlets routinely fail to cover stories that would otherwise make news, and the Central Propaganda Department regularly issues directives to editors on what to cover and how, and what to censor. The Central Propaganda Department dictates that “negative news” is nearly always ignored, and anything that could be considered controversial is off-limits. In the face of major tragedies, the propaganda department typically calls on editors to highlight instead positive stories. Nearly all news, especially political or regional, is never to be sensationalized. Regional papers are urged to recycle news stories from Xinhua News Agency and *People’s Daily*, the two main mouthpieces of the government.⁹⁸

Those reporters and editors who step out of line—or those whose papers do—risk being fired or suspended from their positions. Journalists who are found to have leaked directives have been prosecuted for “revealing state secrets.”

- **Surveillance**

Official surveillance of China’s citizens, as well as visitors, is ubiquitous. Millions of surveillance cameras dot city and village streets, shopping malls, and supermarkets, as well as the homes of dissidents.

Phone lines are often tapped. Email, Skype, and other online accounts are monitored. In some instances, plainclothes police monitor the movements of those suspected of dissent. In 2011, China’s domestic security chief called for the creation of an advanced database of all citizens that would include details such as tax records and educational history in order to improve “social management.”⁹⁹

- **Publishing**

Books with political content not to the liking of the General Administration of Press and Publication (GAPP), including works of fiction, are typically banned in the mainland. This form of censorship is not limited to the writing of dissidents—even members of the official Chinese Writers Association, many of whom speak of practicing self-censorship in order to be published, have had their books banned.

Private publishers must buy ISBNs (International Standard Book Numbers) from the government, and can have their supply cut dramatically for publishing controversial works. This ensures a level of self-censorship even among the independent presses, and those that become too adventurous can be forced to close.

Appendix B

PEN International Writers in Prison Committee Case List

Bhudha: Tibetan writer, detained 26 June 2010; serving a 4-year sentence for “inciting activities to split the nation.”

Chen Wei: Freelance writer, detained 21 February 2011; serving a 9-year sentence for “inciting subversion of state power.”

Chen Xi: Freelance writer and human rights activist, arrested 29 November 2011; serving a 10-year sentence for “inciting subversion of state power.”

Jangtse Dhonkho: Tibetan writer, detained 21 June 2010; serving a 4-year sentence for “inciting activities to split the nation.”

Tashi Dondrup: Monk and writer, detained 14 July 2012; charges and whereabouts unknown.

Gao Yingpu: Journalist, detained 21 July 2012; serving a 3-year sentence for “endangering state security.”

Kunchok Tsephel Gopey Tsang: Tibetan Internet writer and editor of Tibetan language literary website, detained 26 February 2012; serving a 15-year sentence for “disclosing state secrets.”

Huuchinhuu Govruud: Mongolian writer and activist, disappeared from a hospital where she was under police guard on 27 January 2011; whereabouts unknown.

Guo Quan: Internet writer and activist, detained 13 November 2013; serving a 10-year sentence for subversion of state power.”

Kelsang Gyatso: Monk and writer, detained 14 July 2012; charges and whereabouts unknown.

Hada: Mongolian bookstore owner and founder of *The Voice of Southern Mongolia*, arrested December 10, 1995; completed 15-year sentence for “inciting separatism” but remanded into further custody.

Tursanjan Hezim: Uighur website editor, arrested July 2009; serving a 7-year sentence on unknown charges.

Hu Lianyou: Activist and blogger, sentenced to 2 years in prison on defamation charges on 24 April 2012.

Gulmire Imin: Uighur poet, arrested 14 July 2009; serving a life sentence for “splittism, leaking state secrets, and organizing an illegal demonstration.”

Kalsang Jinpa: Tibetan writer, detained 19 July 2010; serving a 3-year sentence for “inciting activities to split the nation.”

Kong Youping: Internet writer, arrested 13 December 2003, serving a 15-year sentence, reduced to 10 years on appeal, for “subverting state power.”

Dolma Kyab: Tibetan writer and teacher, arrested 9 March 2005; serving a 10.5-year sentence for “espionage” and “illegal border crossing.”

Gangkyi Drubpa Kyab: Tibetan writer, held incommunicado at an unknown location since 15 February 2012; charges unknown.

Li Bifeng: Novelist, poet, and activist, arrested 12 September 2011; serving a 12-year sentence for “contract fraud.”

Li Tie: Writer and human rights activist, detained 15 September 2012; serving a 10-year sentence for “subversion of state power.”

Liu Xianbin: Writer and activist, detained 28 June 2010; serving a 10-year sentence for “inciting subversion of state power.”

Liu Xiaobo: Poet, essayist, literary critic, and former president of the Independent Chinese PEN Centre, detained 8 December 2012; serving an 11-year sentence for “inciting subversion of state power.”

Lo Lo: Tibetan singer, arrested 19 April 2012; charges and whereabouts unknown.

Lu Jianhua: Scholar, arrested April 2005; serving a 20-year sentence for “leaking state secrets.”

Lü Jiaping: Writer, detained 19 September 2010; serving a 10-year sentence for “inciting subversion of state power.”

Lu Zengqi: Internet writer and Falun Gong member; sentenced on 19 February 2004 to 10 years in prison for “libeling the government and spreading fabricated stories.”

Gheyret Niyaz: Uighur freelance journalist and website editor, detained 1 October 2009; serving a 15-year sentence for “endangering state security.”

Paljor Norbu: Tibetan printer, arrested 31 October 2008; serving a 7-year sentence for “inciting separatism.”

Dilishat Paerhat: Uighur website editor, arrested 7 August 2009; serving a 5-year sentence for “endangering state security.”

Qi Chonghuai: Journalist, detained 25 June 2007; serving a 12-year sentence for “extortion and blackmail” and “embezzlement.”

Yan Qiuyan: Internet writer and Falun Gong member; sentenced on 19 February 2004 to 10 years in prison for “libeling the government and spreading fabricated stories.”

Tashi Rabten: Tibetan writer and editor of a literary magazine, arrested 6 April 2010; serving a 4-year sentence for “inciting activities to split the nation.”

Shi Tao: Journalist, poet, and member of the Independent Chinese PEN Centre, detained 24 November 2004; serving a 10-year sentence for “illegally divulging state secrets.”

Tan Zuoren: Literary editor, freelance writer, and environmentalist, detained 28 March 2009; serving a 5-year sentence for “inciting subversion of state power.”

Ugyen Tenzin: Tibetan singer and songwriter, arrested February 2012; serving a 2-year sentence on unknown charges.

Kunga Tseyang: Tibetan writer and environmentalist, detained 17 March 2009; serving a 5-year sentence for “disclosing state secrets.”

Drokru Tsultrim: Tibetan writer, arrested 24 May 2010; charges unknown.

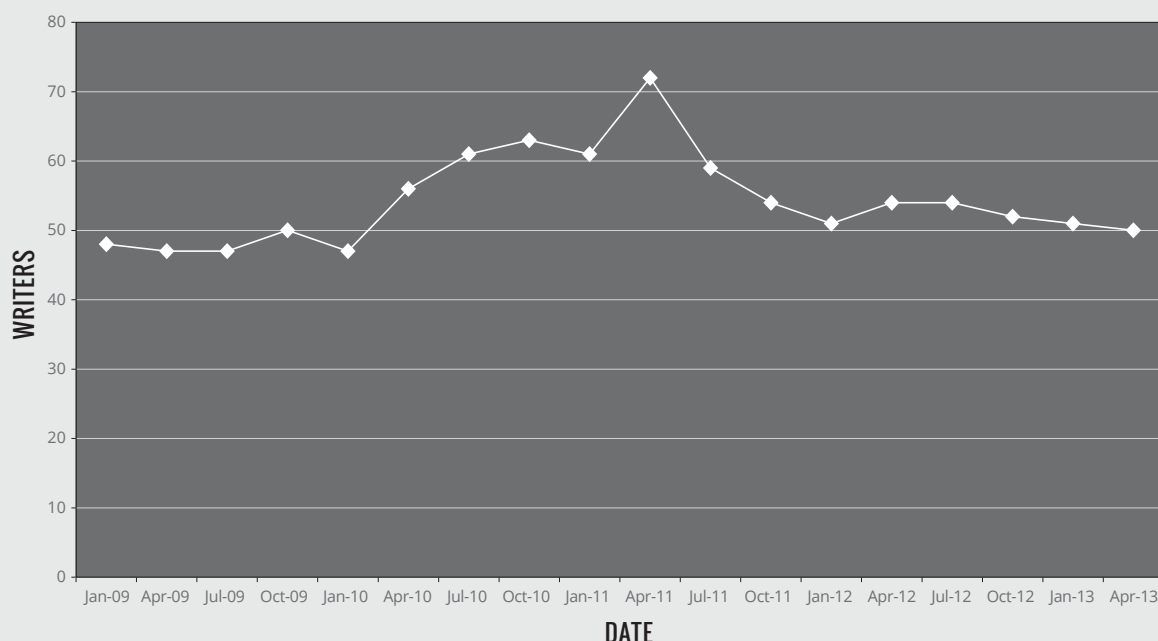
Yang Tongyan: Writer and member of the Independent Chinese PEN Centre, arrested 23 December 2005; serving a 12-year sentence for “subversion of state power.”

Nurehamet Yasin: Uighur writer, arrested 29 November 2004; serving a 10-year sentence for “inciting Uighur separatism.”

Zhu Yufu: Poet and member of the Independent Chinese PEN Centre, detained 5 March 2011; serving a 7-year sentence for “inciting subversion of state power.”

Appendix C Timeline

Writers In Prison In China: January 2009 - April 2013



Appendix D PEN International Charter

1. Literature knows no frontiers and must remain common currency among people in spite of political or international upheavals.

2. In all circumstances, and particularly in time of war, works of art, the patrimony of humanity at large, should be left untouched by national or political passion.

3. Members of PEN should at all times use what influence they have in favour of good understanding and mutual respect between nations; they pledge themselves to do their utmost to dispel race, class and national hatreds, and to champion the ideal of one humanity living in peace in one world.

4. PEN stands for the principle of unhampered transmission of thought within each nation and between all nations, and members pledge themselves to oppose any form of suppression of freedom of expression in the country and community to which they belong, as well as throughout the world wherever this is possible. PEN declares for a free press and opposes arbitrary censorship in time of peace. It believes that the necessary advance of the world towards a more highly organised political and economic order renders a free criticism of governments, administrations and institutions imperative. And since freedom implies voluntary restraint, members pledge themselves to oppose such evils of a free press as mendacious publication, deliberate falsehood and distortion of facts for political and personal ends.

Appendix E

Girona Manifesto on Linguistic Rights

PEN International brings together the writers of the world. Developed in Girona (May 2011) by the PEN International Translation and Linguistic Rights Committee, ratified by the PEN International Assembly of Delegates at the 77th Congress (September 2011), this Manifesto declares PEN International's ten central and guiding principles on linguistic rights.

1. Linguistic diversity is a world heritage that must be valued and protected.
2. Respect for all languages and cultures is fundamental to the process of constructing and maintaining dialogue and peace in the world.
3. All individuals learn to speak in the heart of a community that gives them life, language, culture and identity.
4. Different languages and different ways of speaking are not only means of communication; they are also the milieu in which humans grow and cultures are built.
5. Every linguistic community has the right for its language to be used as an official language in its territory.
6. School instruction must contribute to the prestige of the language spoken by the linguistic community of the territory.
7. It is desirable for citizens to have a general knowledge of various languages, because it favours empathy and intellectual openness, and contributes to a deeper knowledge of one's own tongue.
8. The translation of texts, especially the great works of various cultures, represents a very important element in the necessary process of greater understanding and respect among human beings.
9. The media is a privileged loudspeaker for making linguistic diversity work and for competently and rigorously increasing its prestige.
10. The right to use and protect one's own language must be recognized by the United Nations as one of the fundamental human rights.

Appendix F

PEN Declaration on Digital Freedom

PEN International promotes literature and freedom of expression and is governed by the PEN Charter and the principles it embodies—unhampered transmission of thought within each nation and between all nations.

PEN recognizes the promise of digital media as a means of fulfilling the fundamental right of free expression. At the same time, poets, playwrights, essayists, novelists, writers, bloggers, and journalists are suffering violations of their right to freedom of expression for using digital media. Citizens in many countries have faced severe restrictions in their access to and use of digital media, while governments have exploited digital technologies to suppress freedom of expression and to surveil individuals. The private sector and technology companies in particular have at times facilitated government censorship and surveillance. PEN therefore declares the following:

1. All persons have the right to express themselves freely through digital media without fear of reprisal or persecution.

a. Individuals who use digital media enjoy full freedom of expression protections under international laws and standards.

b. Governments must not prosecute individuals or exact reprisals upon individuals who convey information, opinions, or ideas through digital media.

c. Governments must actively protect freedom of expression on digital media by enacting and enforcing effective laws and standards.

2. All persons have the right to seek and receive information through digital media.

a. Governments should not censor, restrict, or control the content of digital media, including content from domestic and international sources.

b. In exceptional circumstances, any limitations on the content of digital media must adhere to international laws and standards that govern the limits of freedom of expression, such as incitement to violence.

c. Governments should not block access to or restrict the use of digital media, even during periods of unrest or crisis. Controlling access to digital media, especially on a broad scale, inherently violates the right to freedom of expression.

d. Governments should foster and promote full access to digital media for all persons.

3. All persons have the right to be free from government surveillance of digital media.

a. Surveillance, whether or not known by the specific intended target, chills speech by establishing the potential for persecution and the fear of reprisals. When known, surveillance fosters a climate of self-censorship that further harms free expression.

b. As a general rule, governments should not seek to access digital communications between or among private individuals, nor should they monitor individual use of digital media, track the movements of individuals through digital media, alter the expression of individuals, or generally surveil individuals.

c. When governments do conduct surveillance—in exceptional circumstances and in connection with legitimate law enforcement or national security investigations—any surveillance of individuals and monitoring of communications via digital media must meet international due process laws and standards that apply to lawful searches, such as obtaining a warrant by a court order.

d. Full freedom of expression entails a right to privacy; all existing international laws and standards of privacy apply to digital media, and new laws and standards and protections may be required.

e. Government gathering and retention of data and other information generated by digital media, including data mining, should meet international laws and standards of privacy, such as requirements that the data retention be time-limited, proportionate, and provide effective notice to persons affected.

4. The private sector, and technology companies in particular, are bound by the right to freedom of expression and human rights.

a. The principles stated in this declaration equally apply to the private sector.

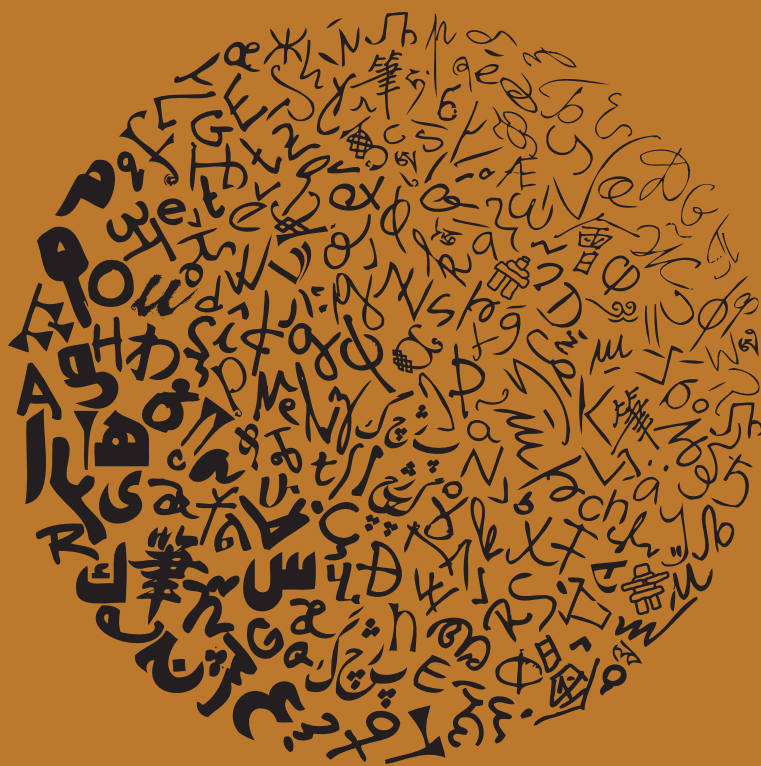
b. Companies must respect human rights, including the right to freedom of expression, and must uphold these rights even when national laws and regulations do not protect them.

c. Technology companies have a duty to determine how their products, services, and policies impact human rights in the countries in which they intend to operate. If violations are likely, or violations may be inextricably linked to the use of products or services, the companies should modify or withdraw their proposed plans in order to respect human rights.

d. Technology companies should incorporate freedom of expression principles into core operations, such as product designs with built-in privacy protections.

e. If their operations are found to have violated the right to freedom of expression, technology companies should provide restitution to those whose rights were violated, even when governments do not provide remedies.

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Promoting Literature, Defending Freedom of Expression